

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF APRIL 15, 2011

(Published April 23, 2011, in *Finance and Commerce*)

Council Chamber

Room 317 City Hall

350 South 5th Street

Minneapolis, Minnesota

April 15, 2011 - 9:30 a.m.

Council President Johnson in the Chair.

Present - Council Members Glidden, Goodman, Hodges, Samuels, Gordon, Hofstede, Schiff, Lilligren, Colvin Roy, Tuthill, Quincy, President Johnson.

Absent – Council Member Reich.

Lilligren moved adoption of the agenda. Seconded.

Samuels moved to amend the agenda to include under “Resolutions” a resolution honoring Minneapolis Animal Care & Control staff. Seconded.

Adopted upon a voice vote.

Absent - Reich.

Lilligren moved adoption of the agenda, as amended. Seconded.

Adopted upon a voice vote 4/15/2011.

Absent - Reich.

Lilligren moved acceptance of the minutes of the adjourned session of March 10, 2011 and the regular meeting and adjourned session of April 1, 2011. Seconded.

Adopted upon a voice vote 4/15/2011.

Absent - Reich.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote 4/15/2011.

Absent - Reich.

PETITIONS AND COMMUNICATIONS

COMMITTEE OF THE WHOLE:

INTERGOVERNMENTAL RELATIONS (274864)

2010 City Grants Report - Receive and File.

COMMITTEE OF THE WHOLE (See Rep):

REGULATORY SERVICES (274865)

Asian Carp: Presentation on invasive asian carp species relating to the Mississippi River.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (274866)

Land Sale & Lot Division (2514-14th Ave S): Sale to PRG, Inc.

Spring Homebuyer's Tour: Closing Cost Loan approval.

Central Corridor Light Rail Transit Project: Joint Powers Agreement between cities of St Paul & Mpls for small business loan & grant program.

2011 Hennepin County Transit-Oriented Development Grant applications.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET:

FINANCE DEPARTMENT (274867)

2010 4th Quarter Financial Status Report: Information on CPED funds.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

GRANTS AND SPECIAL PROJECTS (274868)

2011 Consolidated Plan.

NEIGHBORHOOD AND COMMUNITY RELATIONS (274869)

Hawthorne NRP Phase II Neighborhood Action Plan.

ELECTIONS (See Rep):

CITY CLERK (274870)

Elections Transition: a) Develop a professional services contract for future disposition of elections functions; and b) Communicate initiative with the Hennepin County Board of Commissioners.

PUBLIC SAFETY AND CIVIL RIGHTS & HEALTH (See Rep):

REGULATORY SERVICES (274871)

Piccadilly Circus: Deny appeal filed from the decision of Animal Care & Control for a Class C Traveling Animal Exhibition Permit for an event at the Minneapolis Convention Center on May 14 & 15, 2011.

PUBLIC SAFETY AND CIVIL RIGHTS & HEALTH and WAYS & MEANS/BUDGET (See Rep):

EMERGENCY PREPAREDNESS (274872)

2010 Emergency Operations Center Grant Program: Execute grant agreement with State of Minnesota to provide \$750,000 to the City for apparatus bay construction at the Emergency Operations Training Facility; and Approve appropriation.

Port Security Grant: Execute grant agreement with United States Department of Homeland Security to provide \$497,168 to the City for a variety of training purposes; and Passage of Resolution approving appropriation.

PURCHASING (274873)

Bomb Squad Robot: OP #7408, accept low responsive bid meeting specifications of ICOR Technology to furnish, deliver and provide training for mid-sized Explosive Device Mitigation Robot to the Police Department.

REGULATORY SERVICES (274874)

Sexually Transmitted Disease Prevention: Submit three-year grant application to United States Department of Health and Human Services seeking \$1,350,000 to reduce sexually transmitted diseases in Minneapolis by engaging communities that are disproportionately affected by these diseases.

Lead Poisoning Prevention Services: Amend contract with Hennepin County to accept an additional \$65,000 to educate and recruit landlords, tenants and homeowners to enroll in the Hennepin County Works and Transit Lead Grant Program; Approve appropriation; and Amend contracts with

community partner agencies to increase amounts and extend the termination date to August 31, 2012 for lead poisoning prevention services.

REGULATORY, ENERGY AND ENVIRONMENT (See Rep):

LICENSES AND CONSUMER SERVICES (274875)

Licenses: Applications.

LICENSES AND CONSUMER SERVICES (274876)

Caribou Coffee (5309 Lyndale Av S): Grant Sidewalk Cafe License.

Patisserie 46 (4552 Grand Av): Grant Sidewalk Cafe License.

Tenth Street Convenience Store (50 S 10th St): Grant Sidewalk Cafe License.

Central Avenue Liquor (2538 Central Av NE): Approve Business License Operating Conditions relating to Off-Sale Liquor and Tobacco Dealer Licenses.

El Nuevo Rodeo Restaurant (2709 E Lake St): Approve Business License Operating Conditions relating to On-Sale Liquor Class A with Sunday Sales License.

Hiawatha Pizza & Restaurant (2740 Minnehaha Av): Approve Business License Operating Conditions relating to Restaurant License.

Pappy's Fish and Chicken (2006 Washington Av N): Approve Business License Operating Conditions relating to Food Manufacturer License.

REGULATORY SERVICES (274877)

Administrative Issuance of Licenses: Ordinance adding additional license categories to be eligible for administrative issuance by the Director of Licenses and Consumer Services.

Mobile Food Vendors: Ordinances revising Mobile Food Vehicle Vendor regulations.

REGULATORY SERVICES (274878)

Arcade Convenience (27 S 7th St): Revoke Confectionery and Tobacco Dealer Licenses.

REGULATORY SERVICES (274879)

Property at 1626 3rd St NE: Approve demolition.

REGULATORY SERVICES (274880)

Rental Dwelling Licenses at 905 Franklin Av; 3725 Cedar Av S; and 1830 Stevens Av S: Revoke licenses held by Spiros Zorbalas and Mary Brandt; Grant stay of revocation action; and Direct staff to convene a work team.

REGULATORY SERVICES (274881)

Rental Dwelling License at 3253/55 Bloomington Av: Revoke license held by Leslie A. Moore.

REGULATORY, ENERGY AND ENVIRONMENT and WAYS & MEANS/BUDGET (See Rep):

REGULATORY SERVICES (274882)

Mississippi Watershed Grant: Execute grant agreement with Mississippi Watershed Management Organization to receive \$19,200 to hire interns to assist in erosion control enforcement activities; and Approve appropriation.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (274883)

Flood Update.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (274884)

Transportation Management Organization Executive Committee: Appointments.

Municipal State Aid System: Revisions.

Street Resurfacing Assessment Rolls for Payable 2011 and Subsequent Years: Cancellation and reduction of assessments.

7th St N Street Resurfacing Assessment Roll for Payable 2011 and Subsequent Years:
Cancellation of assessments.

Hydraulic Surge Facilities: Amendment 1 to contract with Rice Lake Construction Group.

Hydraulic Surge Facilities: Amendment 2 to contract with Rice Lake Construction Group.

Public Works Consulting Pool: Amendment to contract with Bonestroo, Inc.

Ventura Village, Ridgewood and Pillsbury Aves Street Resurfacing Project No 5216: Project designation.

Talmage Ave SE Street Reconstruction Project No 2225: Project designation.

Riverside Ave Street Lighting Phase I Project No 6746: Project designation.

Chicago Ave Street Resurfacing Project Nos 5209 and 5208: Project designation.

Minneapolis Park and Recreation Board: Approval to work in public right-of-way.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (274885)

Lyndale Ave S Street Reconstruction and Street Lighting Project No 6745: Project approval and assessment public hearing; Comments.

Wenonah West Area Street Resurfacing Project No 5217: Project approval and assessment public hearing; Comments.

University of Minnesota Trail, Phase III: Real estate agreement.

Cedar Lake Trail Phase III: Easement amendments and right-of-entry and parking relocation agreement.

Central Corridor LRT: Subordinate Funding Agreements; and increase appropriation.

Lease of State-Owned Property Under I-94 Bridge: Amendment to lease.

Bids: a) OP 7419, Low bid of McGough Construction for construction of I-35W Bridge Remembrance Garden; b) OP 7413, Low bid of Commercial Asphalt Company for bituminous mixtures; and c) OP 7413, Low bid of Midwest Asphalt Corporation for bituminous mixtures.

WAYS AND MEANS BUDGET:

FINANCE DEPARTMENT (274886)

Convention Center Bond Refunding Savings: Report.

INTERGOVERNMENTAL RELATIONS and FINANCE (274887)

CDBG Over-obligation - Block E Report: 2011 Budget footnote "bb".

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (274888)

Ethics in Government: Ordinance amending Title 2, Chapter 15, amending section 15.280 to change the definition of local official.

BUSINESS INFORMATION SERVICES (BIS) (274889)

Time & Labor Software Implementation: Amend Oracle USA Inc. contract to increase term through September 30, 2011; and increase amount to \$125,000.

KorTerra, Inc.: Execute contract for professional services, hosted software and maintenance.

COMMUNICATIONS (274890)

May 2011 Utility Billing Insert: Bike Walk Week.

FINANCE DEPARTMENT (274891)

Security Service Level Agreement: Execute agreement with Hennepin County for special events in City Hall/Courthouse facility.

MINNEAPOLIS CONVENTION CENTER and PROCUREMENT (274892)

OP #7164: Amend Honeywell, Inc. contract 03-00114B for additional HVAC repairs and maintenance.

ZONING AND PLANNING (See Rep):

PLANNING COMMISSION/DEPARTMENT (274893)

Appeal:

Track 29 Apartments (2813-2841 Bryant Ave S, 811 28th St W & 2828 Aldrich Ave S).

Rezoning:

Riverview Senior Housing (5100, 5106, 5110, 5114 54th St E & 5344, 5348, 5352, 5356, 5360 Riverview Rd).

Policy Plan Adoption/Comprehensive plan amendment: Urban Agriculture Policy Plan.

UNFINISHED BUSINESS (See Rep):

ATTORNEY (274894)

Gopher 94 Wine & Spirits (217 W Broadway): Approve Findings of Fact in support of the City Council's decision to deny an Off-Sale Liquor License.

FILED:

CHARTER COMMISSION (274895)

2010 Census Redistricting Summary.

Communication Committee Charter.

Advisory Group Selection Committee: a) Interview Schedule; b) Data Collection Form; c) Competency Assessment Overview Form; d) Re-Opened Application Period Memo; e) Announcement regarding re-opening Advisory Group application period; f) Revised Advisory Group Job Description; g) Revised Advisory Group Application Form; h) Revised FAQs; i) News Release.

*The following reports were signed by Mayor Rybak on April 19, 2011, **unless noted otherwise.** Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.*

REPORTS OF STANDING COMMITTEES

The COMMITTEE OF THE WHOLE submitted the following report:

Colvin Roy moved to find under Council Rule 4 that the regular Council cycle is not adequate, and to consider the action of the Committee of the Whole from April 14, 2011, regarding resolutions relating to the FAA Air Transportation Modernization and Safety Improvement Act at this meeting. Seconded.

Adopted upon unanimous consent 4/15/2011.

Absent - Reich.

Comm of Whole - Your Committee, having under consideration the topic of addressing the northward advance of Asian Carps, now recommends approval of the following two requests and actions:

1) The Minneapolis City Council urges the U.S. Congress to direct and allocate necessary funding to the appropriate federal agencies, and Minnesota Governor Dayton to direct the Department of Natural Resources, to make absolutely every effort to protect the upper Mississippi River at and downstream of Minneapolis from the spread of Asian carp species.

And further, that the City's 2011 State Legislative Agenda and FY 2012 Federal Agenda be amended to include such direction.

Specifically, the City Council requests that appropriate federal and state agencies take immediate action to:

- Implement an ongoing monitoring and detection program to determine the extent of Asian carp breeding populations within the Mississippi, St. Croix and Minnesota Rivers.
- Prevent movements of Asian carp populations into the upper Mississippi River by implementing strategies outlined in the Minnesota and National plans to control Asian carp species and to develop additional effective behavioral or other methods to stop the spread of Asian carps.

2) The City Council requests that the State of Minnesota establish an Asian Carps Task Force for the Mississippi River and its watersheds and with the U.S. Fish and Wildlife Service formalize a plan for mitigating the impacts of potential Asian carp infestation of the Mississippi River in Minnesota.

Adopted 4/15/2011.

Absent - Reich.

The COMMITTEE OF THE WHOLE and TRANSPORTATION & PUBLIC WORKS Committees submitted the following report:

Comm of Whole & T&PW - Your Committee, having under consideration the FAA Air Transportation Modernization and Safety Improvement Act, now recommends passage of the accompanying resolutions:

a) Opposing the inclusion of Section 314(d) of S. 223 in the final version of the Federal Aviation Administration Authorization Legislation; and

b) Opposing Section 203 of S. 223 relating to changes in the Airport Improvement Program in the final version of the Federal Aviation Administration Authorization Legislation.

Adopted 4/15/2011.

Absent - Reich.

Resolution 2011R-159, opposing the inclusion of Section 314 (d) of S. 223 in the final version of the Federal Aviation Administration Reauthorization Legislation, was adopted 4/15/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-159
By Colvin Roy, Quincy, Glidden

Opposing the inclusion of Section 314 (d) of S. 223 in the final version of the Federal Aviation Administration Reauthorization Legislation.

Whereas, Minneapolis has a strong interest in the reduction of negative environmental impacts of the Airport while maintaining its economic benefits to the people who live, work, and play in Minneapolis; and

Whereas, the Metropolitan Airport Commission, together with the Federal Aviation Administration and major tenants, are developing the use of Area Navigation (RNAV) and other performance-based navigation procedures at MSP; and

Whereas, RNAV technology may reduce noise impacts in specific corridors but may concentrate noise in other corridors, and while RNAV procedures may have potential benefits, no new technology is without flaw; therefore RNAV and its impacts should be subject to review; and

Whereas, Section 314 (d), which was offered as amendment to S. 223 would allow the Federal Aviation Administration (FAA) to categorically exclude from environmental review any RNAV or other performance-based navigation procedures that will "measurably reduce aircraft emissions and result in an absolute reduction or no net increase in noise levels"; and

Whereas, we presume that "no net increase" indicates that some areas surrounding an airport may experience increased noise from these procedures so long as others experience decreased noise at a level sufficient to offset the difference and without a complete environmental assessment of these procedures there may be unintended, yet dire consequences; and

Whereas, the consequences may be borne by airport-adjacent communities who will experience increases in noise or who have not previously been exposed to aviation noise and may have no noise abatement strategies or tools in place; and

Whereas, The National Organization to Insure a Sound-Controlled Environment (N.O.I.S.E.), an affiliate of the National League of Cities, has taken a position against the inclusion of 314(d);

Now, Therefore, Be it Resolved by the City Council of The City of Minneapolis:

That the City of Minneapolis opposes the inclusion of Section 314 (d) of S. 223 in the final version of the Federal Aviation Administration Reauthorization Legislation.

Adopted 4/15/2011.

Absent - Reich.

Resolution 2011R-160, opposing Section 203 of S. 223 relating to changes in the Airport Improvement Program in the final version of the Federal Aviation Administration Reauthorization Legislation, was adopted 4/15/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-160
By Colvin Roy, Quincy, Glidden

Opposing Section 203 of S. 223 relating to changes in the Airport Improvement Program in the final version of the Federal Aviation Administration Reauthorization Legislation.

Whereas, Minneapolis has a strong interest in the reduction of negative environmental impacts of the Airport while maintaining its economic benefits to the people who live, work and play in Minneapolis; and

Whereas, Under current law (49 USC §47107), when land purchased by airports with noise grants as part of the Airport Improvement Program (AIP) is developed or otherwise is no longer needed for noise compatibility purposes, the airport must dispose of the land and return the federal investment portion to the Trust Fund or reinvest it in another federally approved noise compatibility project; and

Whereas, Section 203 in the final version of the Senate "FAA Air Transportation Modernization and Safety Improvement Act" (S. 223), would amend longstanding requirements for disposal of noise lands and allow airports to lease the land, use the resulting revenue for airport improvements or airport operations, and not be required to return the federal share or reinvest it in another approved noise compatibility project and;

Whereas, Section 203 would compromise the solvency and a core principle of the AIP, as the program could no longer rely on the revenue generated from the disposal of noise lands purchased with federal government investment and other communities would no longer be able to benefit from the program;

Now, Therefore, Be it Resolved, by The City Council of The City of Minneapolis:

That the City of Minneapolis opposes section 203 of S. 223 relating to changes in the Airport Improvement Program in the final version of the Federal Aviation Administration Reauthorization Legislation.

Adopted 4/15/2011.

Absent - Reich.

The COMMUNITY DEVELOPMENT Committee submitted the following reports:

Comm Dev - Your Committee, having under consideration development of 2514 - 14th Ave S, now recommends passage of the accompanying resolutions:

a) Approving the subdivision of the lot at 2514 - 14th Ave S;

b) Authorizing sale of 2514 - 14th Ave S (part) to PRG, Inc for \$60,000, plus reimbursement of City acquisition costs not to exceed \$10,000, subject to conditions:

1) Land sale closing must occur on or before 90 days from date of City Council approval;

2) Payment of holding costs of \$300 per month (or portion thereof) from the date of City Council approval to the date of closing if land sale closing does not occur on or before the closing deadline.

The sale conditions may be waived or amended with the approval of the Director of the Department of Community Planning & Economic Development.

Adopted 4/15/2011.

Absent - Reich.

Resolution 2011R-161, approving the subdivision of a lot at 2514 – 14th Ave S, was adopted 4/15/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-161
By Goodman

Approving the subdivision of a lot at 2514 14th Avenue South.

Whereas, the City of Minneapolis' Department of Community Planning and Economic Development (CPED) has requested that a parcel of land located at 2514 14th Avenue South and legally described as the South half of Lot 4 and the North 1/2 of Lot 5 all in Block 11, Gales 1st Addition to Minneapolis, be subdivided as follows:

PR-082 & 082A The South 1/2 of Lot 4 and the North half of Lot 5 except the South 3.00 feet of said North 1/2 of Lot 5 all in Block 11, Gales 1st Addition to Minneapolis;

VH-401A The South 3.00 feet of the North half of Lot 5 all in Block 11, Gales 1st Addition to Minneapolis; and

Whereas, the City of Minneapolis intends to combine the subdivided parcel VH-401A listed above with the following adjacent City of Minneapolis parcel: VH-401 2518 14th Avenue South The South half of Lot 5 in Block 11, Gales 1st Addition to Minneapolis; and

Whereas, the proposed subdivision conforms with Minnesota Statutes Section 462.358 and Land Subdivision Regulations adopted by the Minneapolis City Council on July 14, 1995; and

Whereas, pursuant to due notice thereof published in Finance and Commerce on March 25, 2011, a public hearing on said subdivision and proposed sale was duly held in a meeting of the Community Development Committee of the City Council at 1:30 p.m., April 5, 2011, in Room 317, Minneapolis City Hall, 350 South 5th Street, in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the division of the above described property be approved and the requirement of a subdivision plat be waived.

Be It Further Resolved that a certified copy of this resolution shall be attached to the deeds conveying the subdivided parcels.

Adopted 4/15/2011.

Absent - Reich.

Resolution 2011R-162, authorizing sale of land Neighborhood Stabilization Program Disposition Parcel No PR-082 and PR-082A at 2514 14th Ave S, was adopted 4/15/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-162
By Goodman

Authorizing sale of land Neighborhood Stabilization Program Disposition Parcel No PR-082 and PR-082A at 2514 14th Avenue South.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel PR-082 and 082A in the Midtown Phillips Neighborhood, from PRG, Inc., hereinafter known as the Redeveloper, the Parcel(s) PR-082 and 082A, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of PR-082 and 082A; 2514 14th Avenue South: The South 1/2 of Lot 4, and the North 1/2 of Lot 5 except the South 3.00 feet of said North 1/2 of Lot 5 all in Block 11, Gales 1st Addition to Minneapolis; and

Whereas, the Redeveloper has offered to pay the sum of \$60,000, plus reimbursement of City acquisition costs not to exceed \$10,000 for Parcel PR-082 and 082A; the offer includes a development plan and commitment to improve by rehabilitating the existing structure. This offer is in accordance with the Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with accepted methods of aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in Finance and Commerce on Friday, March 25, 2011, a public hearing on the proposed sale was duly held on April 5, 2011, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value, for uses in accordance with the Neighborhood Stabilization Program plan, as amended, is hereby estimated to be the sum of \$60,000, for Parcel PR-082 and 082A.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the Parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land and further subject to the following conditions; 1) land sale closing must occur on or before 90 days from the date this Resolution is approved by the City and 2) payment of holding costs of \$300.00 per month (or portion thereof) if the land sale closing does not occur on or before the closing deadline.

Be It Further Resolved that the sale conditions described above may be waived or amended with the approval of the Department of Community Planning & Economic Development Director.

Be It Further Resolved that upon publication of this Resolution the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed and delivered by the Finance Officer or other appropriate official of the City.

Adopted 4/15/2011.

Absent - Reich.

Comm Dev - Your Committee, having under consideration the Closing Cost Loan program previously offered with the City's *CityLiving* mortgage program, now recommends approval for the Closing Cost Loan to be reintroduced at the spring homebuyer's tour, scheduled for May 28, 2011.

Adopted 4/15/2011.

Absent - Reich.

Comm Dev - Your Committee, having under consideration the Central Corridor Light Rail Transit Project, now recommends that the proper City officers be authorized to enter into a Joint Powers Agreement (JPA) with the Housing and Redevelopment Authority of the City of St. Paul for a Small Business Loan and Grant Program for businesses impacted by the Central Corridor LRT Project construction. Further, that authority be delegated to the Department of Community Planning & Economic Development Director to authorize amendments to the JPA to modify the ratio of program funds allocated to the two affected cities.

Adopted 4/15/2011.

Absent - Reich.

Comm Dev - Your Committee, having under consideration the applications for 2011 Hennepin County Transit-Oriented Development (TOD) Program grant funding, now recommends approval of recommendations of the Department of Community Planning & Economic Development (CPED) for:

a) Passage of the accompanying resolution granting multi-jurisdictional program approval for the submission of TOD Program loan/grant applications to Hennepin County for projects within the City of Minneapolis and authorizing cooperative agreements for County funded projects; and

b) Approval of City of Minneapolis priority rankings for project proposals, and direction to staff to submit the advisory rankings to the Hennepin County Department of Housing, Community Works and Transit, as follows:

1. Longfellow Station; Longfellow Station SA LLC
2. Emerge Career and Technology Center: Emerge Community Development Corporation
3. Hi-Lake Triangle Apartments; Wellington Management, Inc
4. Dunwoody Flats; Gateway Commons LLC
5. Seward Commons Public Infrastructure; Seward Redesign
6. West Broadway Office/Retail Building; Ackerberg Group
7. Corcoran Triangle; Wellington Management, Inc
8. ArtCube; Artspace Projects, Inc
9. 520 Second Street SE; Second Street Holding, LLC
10. Lehmann Building; Minneapolis Leased Housing Associates II, LP

Adopted 4/15/2011.

Absent - Reich.

Resolution 2011R-163, granting multi-jurisdictional program approval for the submission of 2011 Hennepin County Transit-Oriented Development Program loan/grant applications, was adopted 4/15/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-163

By Goodman

Granting multi-jurisdictional program approval for the submission of 2011 Hennepin County Transit-Oriented Development (TOD) Program loan/grant applications.

Whereas, the Hennepin County Transit-Oriented Development (TOD) Program was established as a multi-jurisdictional reinvestment program under the authority of Minnesota Statutes 383B.79, Subdivision 1; and

Whereas, ten applications were submitted to Hennepin County for projects located within the City of Minneapolis for consideration in the 2011 Hennepin County TOD Program solicitation; and

Whereas, The City of Minneapolis hereby approves the submission of ten applications for projects located within the City of Minneapolis for consideration for funding by the 2011 Hennepin County TOD Program;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That The City of Minneapolis, in accordance with Minnesota Statutes 383B.77, Subdivision 3, supports the following transit-oriented development loan/grant applications submitted to the Hennepin County Housing and Redevelopment Authority on February 24, 2011:

1. Longfellow Station SA LLC for the Longfellow Station project.
2. Emerge Community Development for the Emerge Career and Technology Center project.
3. Wellington Management, Inc. for the Hi-Lake Triangle Apartments project.
4. Gateway Commons LLC for the Dunwoody Flats project.
5. Seward Redesign for the Seward Commons project.
6. The Ackerberg Group for the West Broadway Office/Retail Building project.
7. Wellington Management, Inc. for the Corcoran Triangle project.

8. Artspace Projects, Inc. for the ArtCube project.
9. Second Street Holding, LLC for the 520 Second Street SE project.
10. Minneapolis Leased Housing Associates II, LP for the Lehmann Building project.

Be It Further Resolved that the appropriate City staff may execute one or more cooperative agreements authorizing Hennepin County or the Hennepin County Housing and Redevelopment Authority (HRA) to implement the foregoing projects in Minneapolis.

Be It Further Resolved that nothing in this resolution shall create a pecuniary obligation of the City Council to assist any of the foregoing projects nor shall the City be in any way responsible for any financing obligation or agreement of Hennepin County or the Hennepin County HRA with respect to their provision of financial assistance such projects.

Be It Further Resolved that the support expressed herein extends only to the powers of Hennepin County or the Hennepin County HRA with respect to the financial assistance the County or the HRA proposes to provide to the respective projects and the City shall retain all other powers and jurisdiction over matters relating to the City and the projects.

Adopted 4/15/2011.

Absent - Reich.

The COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET Committees submitted the following reports:

Comm Dev & W&M/Budget – Your Committee, having under consideration the City's application to the U.S. Department of Housing and Urban Development (HUD) for 2011 Community Development Block Grant, Home Investment Partnerships, Emergency Solutions Grant (formerly Emergency Shelter Grant) and Housing Opportunities for Persons with AIDS funding, now recommends that the proper City officers be authorized to submit the 2011 Consolidated Plan as reflected by public comment draft of 3/15/2011, and direct the proper City officers to submit the Plan and update the Five-year Strategy 2010-2014 to HUD on 4/15/2011, and to receive and file all comments received during the public comment period.

Adopted 4/15/2011.

Absent - Reich.

Comm Dev & W&M/Budget - Your Committee, having under consideration the Hawthorne Neighborhood Revitalization Program (NRP) Phase II Neighborhood Action Plan, now recommends:

- a) Approval of said action Plan and specifically those parts of the Plan that fall under City jurisdiction, with the total cost of the Plan not to exceed \$1,593,541;
- b) Passage of the accompanying resolution increasing the CPED appropriation in the NRP Fund by \$796,770.50 from existing balance. The reduced appropriation amount is consistent with the staff direction set out in footnote "p" of the 2011 General Appropriation Resolution adopted 12/13/2010;
- c) That the proper City officers be authorized to enter into any contracts or agreements needed to implement said Plan.

Adopted 4/15/2011.

Absent - Reich.

**RESOLUTION 2011R-164
By Goodman and Hodges**

Amending The 2011 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Department of Community Planning and Economic Development NRP Fund (01CNR-8900800) by \$796,770.50.

Adopted 4/15/2011.

Absent - Reich.

The ELECTIONS Committee submitted the following report:

Elections - Your Committee, having under consideration the City's elections transition, now recommends the following:

- a) Direct staff to develop a professional services contract related to the future disposition of elections functions; and
- b) Authorize the Council President to communicate about this initiative with the Hennepin County Board of Commissioners.

Adopted 4/15/2011.

Absent - Reich.

The PUBLIC SAFETY, CIVIL RIGHTS & HEALTH Committee submitted the following report:

PSC&H - Your Committee, having under consideration the appeal filed by Circus America, Inc, dba Piccadilly Circus from the decision of Minneapolis Animal Care & Control which denied the application for a Class C Traveling Animal Exhibition Permit for an event scheduled at the Minneapolis Convention Center on May 14 & 15, 2011, now recommends that said appeal be denied.

Adopted 4/15/2011.

Absent - Reich.

The PUBLIC SAFETY, CIVIL RIGHTS & HEALTH and WAYS & MEANS/BUDGET Committees submitted the following reports:

PSC&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to submit a three-year grant application to the United States Department of Health and Human Services seeking an amount not to exceed \$1,350,000 for a grant period beginning no later than June 30, 2011 for a project to reduce sexually transmitted diseases in Minneapolis by engaging communities that are disproportionately affected by these diseases.

Adopted 4/15/2011.

Absent - Reich.

PSC&H & W&M/Budget - Your Committee, having under consideration the 2010 Emergency Operations Center Grant Program, now recommends that the proper City officers be authorized to execute a grant agreement with the State of Minnesota to provide \$750,000 to the City of Minneapolis for apparatus bay construction at the City's Emergency Operations Training Facility. Further, passage of the accompanying resolution appropriating \$750,000 to the Department of Regulatory Services.

Adopted 4/15/2011.

Absent - Reich.

**RESOLUTION 2011R-165
By Samuels and Hodges**

Amending The 2011 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Department of Regulatory Services Agency in the General Fund (0100-8352000) by \$750,000 and increasing the revenue estimate for the Department of Regulatory Services (0100-8352000) by \$750,000.

Adopted 4/15/2011.

Absent - Reich.

PSC&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a grant agreement with the United States Department of Homeland Security to provide a

APRIL 15, 2011

Port Security Grant, in the amount of \$497,168 to the City of Minneapolis for a variety of training purposes, as follows:

a) \$472,918 to be used to provide Department of Homeland Security-approved Improvised Explosive Device training.

b) \$24,250 to pay management and administrative costs on the grant.

Further, passage of the accompanying resolution appropriating \$497,168 to the Department of Regulatory Services.

Adopted 4/15/2011.

Absent - Reich.

RESOLUTION 2011R-166

By Samuels and Hodges

Amending The 2011 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Department of Regulatory Services Agency in the Grants – Federal Fund (01300-8352000) by \$497,168 and increasing the revenue estimate for the Department of Regulatory Services (01300-8352000) by \$497,168.

Adopted 4/15/2011.

Absent - Reich.

PSC&H & W&M/Budget - Your Committee recommends acceptance of the low responsive bid meeting specifications received on OP #7408 submitted by ICOR Technology, Inc., for an estimated expenditure in the amount of \$115,715, to furnish, deliver and to provide training for a mid-sized Explosive Device Mitigation Robot to the Minneapolis Police Department, all in accordance with City specifications. Bidder offers to hold prices for 12 months after original purchase.

Adopted 4/15/2011.

Absent - Reich.

PSC&H & W&M/Budget - Your Committee, having under consideration the provision of lead poisoning prevention services, now recommends:

a) That the proper City officers be authorized to amend Contract #27693 with Hennepin County to accept an additional \$65,000, for a new contract total amount of \$565,000, to educate and recruit landlords, tenants and homeowners to enroll in the Hennepin County Works and Transit Lead Grant Program, particularly targeting North Minneapolis.

b) Passage of the accompanying resolution appropriating \$65,000 to the Department of Health & Family Support.

c) That the proper City officers be authorized amend contracts with the following community partner agencies to increase the amounts and extend the termination date to August 31, 2012 for lead poisoning prevention services:

Sustainable Resources Center, Inc (#27850)	\$190,000
ClearCorps USA, Inc (#27843)	170,000
Southeast Asian Community Council Inc (#27826)	70,000

Adopted 4/15/2011.

Absent - Reich.

RESOLUTION 2011R-167

By Samuels and Hodges

Amending The 2011 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Department of Health & Family Support Agency in the Grants – Federal Fund (01300-8600130) by \$65,000 and increasing the Revenue Estimate for the Department of Health & Family Support (01300-8600130-321008) by \$65,000.

Adopted 4/15/2011.

Absent - Reich.

The REGULATORY, ENERGY & ENVIRONMENT Committee submitted the following reports:

RE&E - Your Committee, to whom was referred ordinances amending the Minneapolis Code of Ordinances revising Mobile Food Vehicle Vendor regulations relating to street locations; geographical areas; hours of operation; minimum number of days; and allowable distance to restaurants, now recommends:

a) That the following ordinances be given their second reading for amendment and passage:

Title 10, Chapter 186 relating to *Food Code: In General*

Title 10, Chapter 188 relating to *Food Code: Administration*.

b) That the annual license fee for Mobile Food Vehicle Vendors be increased to \$806 in the License Fee Schedule.

c) That the following ordinances be returned to author:

Title 13, Chapter 259 relating to *Licenses and Business Regulations: In General*

Title 17, Chapter 427 relating to *Streets and Sidewalks: In General*

Title 17, Chapter 430 relating to *Streets and Sidewalks: Right-Of-Way Permits*

Title 17, Chapter 439 relating to *Streets and Sidewalks: Nicollet Mall*

Title 17, Chapter 465 relating to *Streets and Sidewalks: Downtown Business Improvement Special Service District*

Title 17, Chapter 474 relating to *Streets and Sidewalks: Vehicle Operations*

Title 17, Chapter 478 relating to *Streets and Sidewalks: Parking, Stopping and Standing*.

Adopted 4/15/2011.

Absent - Reich.

Ordinance 2011-Or-039 amending Title 10, Chapter 186 of the Minneapolis Code of Ordinances relating to *Food Code: In General*, amending Section 186.50 to revise Mobile Food Vehicle Vendor regulations, was adopted 4/15/2011 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2011-Or-039

By Goodman

Intro & 1st Reading: 4/1/2011

Ref to: RE&E

2nd Reading: 4/15/2011

Amending Title 10, Chapter 186 of the Minneapolis Code of Ordinances relating to Food Code: In General.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That the following definition in Section 186.50 of the above-entitled ordinance be amended to read as follows:

186.50. Definitions. All terms used in this title, unless expressly defined in this section, shall be interpreted as defined in the Minnesota Food Code, part 4626.0020, as they may be amended from time to time. The following terms shall have the following meanings:

Mobile food vehicle means a food establishment preparing and/or serving foods from a self-contained vehicle, either motorized or within a trailer, on public sidewalks, curbside on the public

APRIL 15, 2011

streets, or on private property and that is readily movable, without disassembling, for transport to another location.

Adopted 4/15/2011.

Absent - Reich.

Ordinance 2011-Or-040 amending Title 10, Chapter 188 of the Minneapolis Code of Ordinances relating to *Food Code: Administration and Licensing*, amending Section 188.485 to revise Mobile Food Vehicle Vendor regulations, was adopted 4/15/2011 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2011-Or-040

By Goodman

Intro & 1st Reading: 1/28/2011

Ref to: RE&E

2nd Reading: 4/15/2011

Amending Title 10, Chapter 188 of the Minneapolis Code of Ordinances relating to Food Code: Administration and Licensing.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 188.485 of the above-entitled ordinance be amended to read as follows:

188.485. Mobile food vehicle vendors. (a) No person shall operate a mobile food vehicle ~~on the public sidewalks, plazas, or private property, including parking lots, in the city~~ without a valid license required under this section. To the extent authorized in any such license granted under the provisions of this section, the licensee may conduct such licensed business on the public sidewalk or curbside on the street notwithstanding the provisions of sections 188.10, 427.110, 427.130, ~~478.85~~, 478.90(a, u, w, and y), ~~478.350, 478.370~~, 430.30, 439.30, and 549.160 of this Code.

(b) *Plan submission.* Application for a mobile food vehicle ~~permit~~ license shall be made at the department of licenses and consumer services before beginning the construction of a mobile food vehicle vending operation. The director of licenses and consumer services may require such information on the application as the director deems reasonable and necessary, including but not limited to, the following information:

- (1) Name and address of the applicant.
- (2) Name and address of the approved commercial supply source and affiliated licensed food establishment in the city. If the licensed food establishment is not owned or operated by the applicant, the applicant shall provide written proof of consent from the establishment's owner to use the facility for food preparation, storage, and cleaning.
- (3) A description of the preparation methods and food product offered for sale, including the intended menu, display, and distribution containers.
- (4) The anticipated volume of food to be stored, prepared, and sold.
- (5) Plans and specifications for the mobile food vehicle, including the proposed layout, photographs, mechanical schematics, construction materials, finish schedules, equipment types, manufacturers, model numbers, locations, dimensions, weight of vehicle per wheel, performance capacities, power source, installation specifications, and information on any custom fabricated equipment.
- (6) ~~A valid copy~~ ies of all necessary licenses or permits required by state or local health and transportation authorities.
- (7) A signed statement that the ~~permittee~~ licensee shall hold harmless the city, ~~the Downtown Business Improvement Special Service District (the "district")~~ any applicable special service district, and their officers and employees, and shall indemnify the city, ~~the district~~ any applicable special service district, and their officers and employees for any claims for damage to property or injury to persons which may be occasioned

by any activity carried on under the terms of the permit license. Permittee Licensee shall furnish and maintain such public liability, food products liability, and property damage insurance as will protect permittee, property owners, city, and the district from all claims for damage to property or bodily injury, including death, which may arise from operations under the permit license or in connection therewith. Such insurance shall provide coverage of not less than one million dollars (\$1,000,000.00) per occurrence. The policy shall further provide that it may not be cancelled except upon thirty (30) days written notice filed with the director of licenses and consumer services. No permit license issued pursuant to the provisions of this section shall be valid at any time the insurance required herein is not maintained and evidence of its continuance filed with the director of licenses and consumer services.

- (8) The proposed locations for conducting business according to subsection (c) below; ~~along with a signed statement that the licensee shall hold harmless the adjacent property owner(s) for any claims for damage to property or injury to persons which may be occasioned by any activity carried on or under the license.~~ No application will be accepted for a license operating location on a public sidewalk or private parking lot where a current license has been issued or a complete application is pending. If the proposed location is on a public sidewalk, the applicant shall submit a signed statement that the licensee shall hold harmless the adjacent property owner(s) for any claims for damage to property or injury to persons which may be occasioned by any activity carried on or under the license. If the proposed location is private property, the applicant shall provide written consent from the property owner. If the proposed location is on or within two hundred (200) feet of park board property, the applicant shall provide written consent in the form of a permit, agreement, or other required written authorization from the park board.
 - (9) Each year at the time of filing the application for such a permit license, the applicant shall pay to the city finance officer a sum as established in Appendix J, License Fee Schedule.
- (c) *Location review and restrictions.* Proposed operating locations shall be reviewed as follows:
- (1) ~~Mobile food vendors may only operate within the boundaries of the district in section 465.10. The department of licenses and consumer services shall maintain a list of eligible operating locations that is available for review by the public.~~ The director of ~~public works~~ licenses and consumer services shall refer the subject of mobile food vendors in general to Downtown Business Improvement Special Service District ("the district"), which shall report its advisory recommendations concerning the potential locations of mobile food vendor sites on the public sidewalks within the boundaries of the district in section 465.10. ~~The list of potential operating locations shall be available for review in the department of licenses and consumer services.~~
 - (2) Upon receipt of a complete application for a permit license, the permit license shall be referred to the director of public works for approval or disapproval. The use of the permit license operating location for mobile food vending must be compatible with the public interest in use of the sidewalks areas and streets as public right-of-way. In making such determination, the director of public works shall consider the width of the sidewalk, the method of placing the vehicle, the weight that can be supported by the paving at the proposed location, the proximity and location of existing street furniture, including but not limited to, utility poles, parking meters, bus shelters, benches, street trees, newsracks, as well as, the presence of bus stops, truck loading zones, taxi stands, valet parking zones, or other approved sidewalk cafes or mobile food vehicles to determine whether the requested location would result in pedestrian or street congestion.
 - (3) The director of public works shall not approve a location on a sidewalk where a mobile food vehicle would substantially impair the structural capacity of ~~a~~ the sidewalk, movement of pedestrians or vehicles, or pose a hazard to public safety. The director shall not approve any location which is adjacent to a bus stop, taxi stand, or handicap

- loading zone, within thirty (30) feet of an intersection, within three (3) feet of a curb, or directly in front of a property entryway. Pedestrian walkways of no less than six (6) feet must be maintained ~~around~~ on the service side of the mobile food vehicle.
- (4) No mobile food vehicle vendor application will be accepted for a license operating location ~~operating~~ on a public sidewalk where a restaurant, with direct access to the sidewalk, is adjacent or within one hundred (100) feet on the same block ~~face~~. This requirement may be waived if the application is submitted with the written consent of the proprietor of the restaurant. No person or corporation shall either pay or accept payment for the written consent provided herein.
- (5) Ingress and egress to private property shall be through existing driveway openings only.
- (6) Parking on streets is permitted when in compliance with all ordinances, regulations, parking zones and posted signage. Sales by the licensee shall be made on the curbside only and the vehicle shall be parked within one (1) foot of the curb. No mobile food vendor shall operate from the public right-of-way where a restaurant, with direct access to the sidewalk, or a permitted sidewalk café is within one hundred (100) feet on the same block face. This requirement may be waived if the licensee furnishes written consent from the proprietor of the restaurant. No person or corporation shall either pay or accept payment for the written consent provided herein.
- (7) Parking at a metered space is allowed as indicated above and subject to the following conditions:
- a. Licensee shall only operate at an operational metered space and shall park in such a manner so as to only occupy the designated parking space.
 - b. Licensee shall comply with all posted requirements and fees in accordance with subsection (a).
 - c. Parking at a designated short-term metered space is not permitted.
 - d. When any portion of the mobile food vehicle, including any trailer, extends into an adjacent parking space, then that space shall be considered occupied by the mobile food vehicle and the licensee must comply with all posted meter requirements.
 - e. No mobile food vehicle, including any trailer, shall occupy more than two (2) metered parking spaces. Trailers may be detached from the vehicle while in operation.
 - f. No mobile food vehicle shall be allowed to operate at a metered space where a bicycle lane exists between the parking space and the parking meter.
 - g. No mobile food vehicle shall be allowed to operate at a hooded metered space or a parking meter that is temporarily out of service.
 - h. Licensee is prohibited from reserving a metered parking space by blocking, barricading, hooding, signing, or in any other manner preventing another vehicle from occupying the space.
 - i. No mobile food vehicle vendor shall operate from the public right-of-way within one hundred (100) feet on the same block face of a licensed sidewalk café. This requirement may be waived if the application is submitted with the written consent of the proprietor of the restaurant. No person or corporation shall either pay or accept payment for the written consent provided herein.
 - j. No mobile food vehicle vendor shall operate from a public right-of-way within one hundred (100) feet on the same block face, where a restaurant with direct access to the sidewalk. This requirement may be waived if the application is submitted with the written consent of the proprietor of the restaurant. No person or corporation shall either pay or accept payment for the written consent provided herein.
- (5)(8) The approved operating locations shall be indicated on the ~~permit~~ license and shall include the area of the mobile food vehicle. The ~~permit~~ license must be prominently displayed on the vehicle.
- (6)(9) If the requested operating location is denied, the applicant may select an alternate location, which shall also be referred to the director of public works for review.

- (7)(10) The city shall not approve more than one (1) mobile food vehicle per private parking lot, which must remain in compliance with the zoning code, including the off-street parking requirements for the host parking lot. The vehicle shall not block required drive aisles.
- (8)(11) Licensee shall not operate any such business within five hundred (500) feet of any city, county, or state fair, carnival, circus, festival or civic event that is licensed or sanctioned by the city council, or similar event authorized by a permit issued by the park board, except when the licensee has obtained a temporary food permit from the director of licensing and consumer services as being a participant under the auspices and control of such event-; and, if applicable, written consent in the form of a permit, agreement, or other required written authorization from the park board.
- (9)(12) Licensee shall not operate any such business within five hundred (500) feet of a controlled entrance to a regional sports arena or facility, except when the licensee has obtained written permission from the owner and furnished such written permission to the director of licensing and consumer services at least fifteen (15) days in advance of such use.
- (13) Licensee shall not operate any such business within two hundred (200) feet of park board property without written consent in the form of a permit, agreement, or other required written authorization from the park board.

(d) *Approved food and beverage list.* The manager of environmental health shall maintain a record of approved food and beverage items which may be prepared and sold by mobile food vehicle vendors. Requests to have a food or beverage item considered for approval shall be submitted in writing to the manager of environmental health, who shall determine whether the food or beverage item is capable of preparation and service from the mobile food vehicle based on the equipment being used and the design and construction of the vehicle.

(e) *Form and condition of ~~permit~~ license.* In addition to naming the ~~permittee~~ licensee, showing the approved operating location site diagram, and any other information deemed appropriate by the director of licenses and consumer services, the mobile food vehicle vending ~~permit~~ license shall contain the following conditions:

- (1) Each mobile food vehicle vending ~~permit~~ license shall expire on April first of each year.
- (2) The ~~permit~~ license shall not be transferrable from person to person or from place to place without approval of the director of licenses and consumer services.
- (3) The approved operational location may be changed, either temporarily or permanently, by written notice of the director of licenses and consumer services or ~~his or her~~ their designee.
- (4) The ~~permit~~ license is valid for one (1) vehicle only.
- (5) There shall be issued to each ~~permittee~~ approved licensee a suitable decal that shall be permanently and prominently affixed to the vehicle.

(f) *Restrictions.* The mobile food vehicle shall comply in all respects with all requirements of state law, including but not limited to Minnesota Rules Chapter 1315, Chapter 1346, and Chapter 4626, and any requirements found in any other law, statute, rule, resolution, ordinance, or regulation of any kind and the following:

- (1) All equipment must meet applicable National Sanitation Foundation (NSF) food service equipment standards.
- (2) All foods, beverages, and ice must be obtained from an approved commercial source. Food cannot be stored in a home.
- (3) Any food preparation or food storage done off-site must be accomplished at ~~the primary a city~~ licensed food establishment location. Food cannot be prepared or stored in a home.
- (4) Hours of operation shall be limited to the hours between ~~7~~6:00 a.m. and midnight. The hours of operation for mobile food vehicles located within three hundred (300) feet of a residential building or a mixed use building with a residential component shall be limited to the hours between 7:00 a.m. and 10:00 p.m.. No approved mobile food vehicle shall be left unattended ~~on a sidewalk~~ nor remain ~~on the sidewalk~~ at an authorized operating location outside of these allowed hours of operation.

- (5) Every approved mobile food vehicle vendor shall operate for a minimum of one hundred ~~eighty fifty~~ (180 150) days during the license term. This condition may be waived for mobile food vehicle vendors located outside the Central Business District.
- (6) No mobile food vehicle vendor shall use or maintain any outside sound amplifying equipment, televisions or similar visual entertainment devices, lights, or noisemakers, such as bells, horns, or whistles.
- (7) All waste liquids, garbage, litter and refuse shall be kept in leak proof, nonabsorbent containers which shall be kept covered with tight-fitting lids and properly disposed of at the licensed food establishment. No waste liquids, garbage, litter or refuse shall be dumped or drained into sidewalks, streets, gutters, drains, trash receptacles, or any other place except the licensed food establishment. The garbage receptacle shall be easily accessible for customer use. The ~~permittee~~ licensee shall be responsible for all litter and garbage left by customers.
- (8) The mobile food vehicle shall not have a drive-through.
- (9) The manager of environmental health may summarily close any licensed food establishment, including a mobile food vehicle, pursuant to section 188.580.
- (10) A mobile food vehicle vendor shall obey any lawful order of a police officer, traffic control agent, or regulatory services inspector to move to a different ~~permitted~~ authorized location to avoid congestion or obstruction of the street or sidewalk ~~or remove the vehicle entirely from the sidewalk if necessary to avoid such congestion or obstruction.~~
- (11) The mobile food vehicle shall comply with the provisions of section 466.280 and 536.20 relative to signage and advertising on the vehicle.
- (12) No mobile food vehicle shall use external signage, bollards, seating, or any other equipment not contained within the vehicle.
- (13) Any power required for the mobile food vehicle ~~located on public sidewalks~~ shall be self-contained, screened from view, and shall not use utilities drawn from the public right-of-way. Mobile food vehicles on private property may use electrical power from an adjacent property only when the owner provides written consent. ~~All other power sources must be self-contained.~~ No power cable or equipment shall be extended at grade across any city street, or alley, or ~~the Walk Zone of any city sidewalk.~~
- (14) The height of the mobile food vehicle, including all accessory equipment, shall not exceed ten (10) feet for operation on a public sidewalk or thirteen (13) feet, six (6) inches for operation on a street or parking lot. The director of public works may reduce the allowed maximum height on a public sidewalk in a particular location in consideration of existing right-of-way obstructions, including trees.
- (15) No mobile food vehicle shall be kept, stored, or maintained on a residentially zoned property in violation of any ordinance or regulation.

(g) *Permit License adverse action.* An application or approved ~~permit~~ license may be denied, revoked, suspended, or not renewed, after notice and an opportunity for a hearing thereon, for any of the following reasons:

- (1) The application contains material omissions or false, fraudulent, or deceptive statements.
- (2) The vehicle is operated in such a manner as constituting a public nuisance per this Code or state statutes.
- (3) The proposed operation is in violation of any federal, state, or local laws including, but not limited to, the provisions of this Code pertaining to food, fire prevention, and health or safety.

The provisions of this section are not exclusive. Adverse license action may be based upon good cause as authorized by Chapter 4, Section 16 of the Charter. This section shall not preclude the enforcement of any other provisions of this Code or state and federal laws and regulations.

(h) Effective date. This section shall become effective on May 1, 2010.

Adopted 4/15/2011.

Absent - Reich.

RE&E - Your Committee, to whom was referred an ordinance amending Title 13, Chapter 259 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: In General*, adding additional license categories to be eligible for administrative issuance by the Director of Licenses and Consumer Services, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 4/15/2011.

Absent - Reich.

Ordinance 2011-Or-041 amending Title 13, Chapter 259 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: In General*, amending Section 259.30 to add additional license categories to be eligible for administrative issuance by the Director of Licenses and Consumer Services, was adopted 4/15/2011 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2011-Or-041
By Glidden
Intro & 1st Reading: 2/25/2011
Ref to: RE&E
2nd Reading: 4/15/2011

Amending Title 13, Chapter 259 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: In General.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 259.30 of the above entitled ordinance be amended to read as follows:

259.30. Applications for licenses; issuance of licenses. (a) All applications for licenses and license permits shall be made to the director of licenses and consumer services, and in all cases where the issuance of a license or license permit is required to be authorized and directed by the city council, the application for such license or license permit shall be forthwith presented by the director to the council for its consideration.

(b) Director approved licenses means those licenses which can be approved and issued by the director of licenses and consumer services, subject to the procedures required by these chapters. The following licenses can be approved and issued or denied by the director, or the director may refer the application to the city council for approval or denial. The number following the license refers to the chapter section pertaining to each license.

TABLE INSET:

Antique Dealer - Class A and B	Chapter 321
Auction	Chapter 271
<u>Bed and Breakfast</u>	<u>Chapter 297</u>
Billboard Erector	Chapter 277
Bowling Alley	Chapter 267
Bulk Gas and Oil Storage	Chapter 287
<u>Car Wash</u>	<u>Chapter 265</u>
<u>Carnival</u>	<u>Chapter 267</u>
<u>Charitable Gambling</u>	<u>Chapter 268</u>
Children's Rides	Chapter 267
Christmas Trees Dealer	Chapter 279
Circus	Chapter 267
Cottage Cheese Distributor	Chapter 200
Courtesy Bench	Chapter 283
<u>Dance Hall</u>	<u>Chapter 267</u>
Dancing School	Chapter 285

Dry Cleaner - Flammable, Non-Flammable, Pick-up Station, Dry Cleaning Plant Laundry	Chapter 301
Exhibition Exhibitor	Chapter 321
Exhibition Operator Class A, B, and C	Chapter 234 <u>321</u>
Farm Produce Permit	Chapter 265
Farm Produce Permit – Non Profit	Chapter 265
Fire Extinguisher Servicing - Class A and B	Chapter 289
Flower Cart Vendor	Chapter 331
<u>Flower Cart Vendor, Midseason Transfer</u>	<u>Chapter 331</u>
Food – Confectionary	Chapter 188
Food - Boarding House	Chapter 188
Food – Caterer	Chapter 188
Food - Distributor - Out of Town	Chapter 188
Food – Distributor	Chapter 188
<u>Food – Drive In</u>	<u>Chapter 188</u>
<u>Food - Drive In Restricted</u>	<u>Chapter 188</u>
Food - Indoor Food Cart Vendor	Chapter 188
<u>Food - Institutional Food</u>	<u>Chapter 188</u>
Food – Grocery	Chapter 188
<u>Food – Grocery Specialty</u>	<u>Chapter 188</u>
<u>Food – Groceteria and Portable Store</u>	<u>Chapter 295</u>
Food – Kiosk	Chapter 188
<u>Food - Limited Mobile Food Vendor</u>	<u>Chapter 188</u>
Food – Manufacturer	Chapter 188
Food – Market Distributor	Chapter 201
<u>Food – Market Manufacturer</u>	<u>Chapter 201</u>
Food - Meat Market	Chapter 190
Food - Mobile Food Vendor	Chapter 188
Food – Municipal Market	Chapter 202
Food – Public Market	Chapter 201
Food – Restaurant	Chapter 188
Food - Sidewalk Cart Food Vendor	Chapter 188
Food - Soft Drink Manufacturing and Storage	Chapter 198
Food - Soft Drink	Chapter 188
Food Shelf	Chapter 188
Food – Short Term Food Permit	Chapter 188
<u>Food – Short Term Food Permit, Seasonal</u>	<u>Chapter 188</u>
Food – Vending Machine	Chapter 188
Fuel Dealer – Cash and Carry Only	Chapter 291
Gas Fitter - Class A and B	Chapter 278
<u>Gasoline Filling Station</u>	<u>Chapter 287</u>
<u>Going Out of Business Sale (Regular, Fire, Smoke, Disaster, City Acquired Property)</u>	<u>Chapter 293</u>
Heating, Ventilation and Air Conditioning Installers, Class A and B	Chapter 278
Hoofed and/or Small Animal Service	Chapter 304
Horse and Carriage Livery Service	Chapter 303
Hospital	Chapter 296
Hotel – Motel	Chapter 297
Ice Peddler	Chapter 299
Ice Producer - Dealer, Wholesale	Chapter 299
Juke Box – Musical	Chapter 267
Laundry	Chapter 301
Liquid Waster Hauler	Chapter 225

Mechanical Amusement Device	Chapter 267
Mechanical Amusement Places	Chapter 267
Milk & Grocery Delivery	Chapter 200
<u>Milk Distributor</u>	<u>Chapter 200</u>
Milk Delivery Vehicle	Chapter 200
Milk Pasteurization Plant	Chapter 200
Milk Receiving Station	Chapter 200
Mobile Food - Prepackaged Perishable Food	Chapter 188
Motor Vehicle Immobilization Service	Chapter 320
<u>Motor Vehicle Dealer</u>	<u>Chapter 313</u>
<u>Motor Vehicle Repair Garage</u>	<u>Chapter 317</u>
Motor Vehicle Servicing – Towing	Chapter 349
Oil Burner Installer	Chapter 278
<u>Parking Lot (Commercial, Class A, B, and C)</u>	<u>Chapter 319</u>
Pedicab	Chapter 305
<u>Peddler</u>	<u>Chapter 323</u>
Pet Shop and Mobile Pet Shop	Chapter 68
Plumber	Chapter 278
Refrigeration Systems Installer	Chapter 278
<u>Rental Hall, Temporary</u>	<u>Chapter 266</u>
Residential Specialty Contractor	Chapter 277
<u>Secondhand Dealer</u>	<u>Chapter 321</u>
Shooting Gallery	Chapter 267
Sign Hangers	Chapter 277
Solicitor – <u>Charitable, Company, and Individual</u>	Chapter 333
Solid Waste Hauler	Chapter 225
Steam and Hot Water Installer	Chapter 278
<u>Street Photographer</u>	<u>Chapter 335</u>
Sun Tanning Facility	Chapter 232
Swimming Pools – Public	Chapter 231
<u>Tattoo, Sponsor for Temporary Event (Establishment)</u>	<u>Chapter 339</u>
Tattooist or Piercer	Chapter 339
<u>Taxi Service Company</u>	<u>Chapter 341</u>
Taxicab – Driver	Chapter 341
Taxicab – Limited	Chapter 341
Taxicab – Vehicle	Chapter 341
Theater	Chapter 267
Tobacco Dealer	Chapter 281
Transient Merchant	Chapter 343
Tree Servicing	Chapter 347
Valet Parking	Chapter 307
Wholesale Sausage Manufacturer and/or Distributor	Chapter 190
Wrecker of Buildings - Class A and B	Chapter 277

(c) In the event that the director of licenses and consumer services denies the license application for a director approved license, the application for the license shall be presented by the director to the council for its consideration. The city council shall have the final authority to issue or deny a license which had been denied by the director.

(d) The director of licenses and consumer services may designate license applications that require the submission of a business plan containing the information required in section 362.120(z) of this Code.

Adopted 4/15/2011.

Absent - Reich.

RE&E - Your Committee, having under consideration the application of Caribou Coffee Co Inc, dba Caribou Coffee #1209, 5309 Lyndale Av S, for a Sidewalk Cafe License (new business) to expire April 1, 2012, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 4/15/2011.

Absent - Reich.

RE&E - Your Committee, having under consideration the application of Big River Baking Co LLC, dba Patisserie 46, 4552 Grand Av S, for a Sidewalk Cafe License (new business) to expire April 1, 2012, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 4/15/2011.

Absent - Reich.

RE&E - Your Committee, having under consideration the application of Tenth Street Convenience Store, dba Tenth Street Convenience Store, 50 S 10th St, for a Sidewalk Cafe License (new business) to expire April 1, 2012, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 4/15/2011.

Absent - Reich.

RE&E - Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the Off-Sale Liquor and Tobacco Dealer Licenses held by Central Avenue Liquor, 2538 Central Av NE.

Adopted 4/15/2011.

Absent - Reich.

Resolution 2011R-168, approving Business License Operating Conditions relating to the Off-Sale Liquor and Tobacco Dealer Licenses held by Central Avenue Liquor, 2538 Central Av NE, was adopted 4/15/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-168

By Glidden

Approving Business License Operating Conditions relating to the Off-Sale Liquor and Tobacco Dealer Licenses held by Central Avenue Liquor, 2538 Central Av NE.

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the Off-Sale Liquor and Tobacco Dealer Licenses held by Central Avenue Liquor, 2538 Central Av NE:

1. The business will not allow any customer to pay for a purchase with more than \$2.50 in change or coins.
2. The business will not sell beer in singles unless the container holds more than 16 ounces.
3. The business will clean the property of litter and trash daily, including the area within 100 feet of the property lines.
4. All windows on the business will have it so that signs, or other items, only cover 30% of the windows. 70% must be clear, per Minneapolis Ordinance 530.110. Merchandise on shelves will be kept low to ensure proper surveillance of the store interior by clerks.

Adopted 4/15/2011.

Absent - Reich.

RE&E - Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the On-Sale Liquor Class A with Sunday Sales License held by El Nuevo Rodeo Restaurant, 2709 E Lake St.

Adopted 4/15/2011.

Absent - Reich.

Resolution 2011R-169, approving Business License Operating Conditions relating to the On-Sale Liquor Class A with Sunday Sales License held by El Nuevo Rodeo Restaurant, 2709 E Lake St, was adopted 4/15/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-169

By Glidden

Approving Business License Operating Conditions relating to the On-Sale Liquor Class A with Sunday Sales License held by El Nuevo Rodeo Restaurant, 2709 E Lake St.

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the On-Sale Liquor Class A with Sunday Sales License held by El Nuevo Rodeo Restaurant, 2709 E Lake St:

1. Minneapolis Ordinance 362.395 states that no liquor business located within 500 feet of a residential area shall contain a "bar area" except as permitted herein. A "bar area" shall mean any area not devoted exclusively to full restaurant service to customers seated at tables in which consumption of alcoholic beverages is a substantial activity, except an area predominantly used as a holding area for customers waiting for restaurant seating. The size and capacity of such an area must bear a relationship to the size and capacity of the restaurant area which is consistent with its purpose as a waiting area. A waiting area of excessive size shall not be approved. The new bar area to be located on the southeast corner of the second floor would be in violation of the above stated code if it were to be used by patrons for seating or direct service in as much as it would constitute an excessive size of waiting areas to the restaurant seating. The new bar area located on the southeast corner of the second floor will be strictly used by El Nuevo Rodeo as a service bar by employees of El Nuevo Rodeo only. No patrons shall order any food or beverages from the service bar. Chairs or stools cannot be placed as seating surrounding the bar.

2. Required seating on the second floor shall remain at 282 and on the first floor as 71.

Adopted 4/15/2011.

Absent - Reich.

RE&E - Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the Restaurant License held by Hiawatha Pizza & Restaurant, 2740 Minnehaha Av.

Adopted 4/15/2011.

Absent - Reich.

Resolution 2011R-170, approving Business License Operating Conditions relating to the Restaurant License held by Hiawatha Pizza & Restaurant, 2740 Minnehaha Av, was adopted 4/15/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-170

By Glidden

Approving Business License Operating Conditions relating to the Restaurant License held by Hiawatha Pizza & Restaurant, 2740 Minnehaha Av.

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the Restaurant License held by Hiawatha Pizza & Restaurant, 2740 Minnehaha Av:

1. Your legal hours of operation are 6 a.m. to 10 p.m. Sunday to Thursday and 6 a.m. to 11 p.m. on Friday and Saturdays. Your business must be closed and cleared of customers by the hours listed.
2. All fines and fees must be paid by the due date specified in the orders or billing. Continuing failure to pay fines and fees by the specified due date may be cause for adverse license action.
3. Any changes to the restaurant equipment and menu shall be sent through the Food Plan Review procedures in Environmental Health before the equipment is purchased.
4. For a period of one year (April 1, 2011 to April 1, 2012), a certified food manager shall be in the restaurant at any time food is present. The food manager is to ensure that all employees shall follow all Environmental Health Regulations.
5. The licensee must immediately take responsibility for operation of this establishment. It is expected that the Food Code requirements will be followed every day. If the licensee is unable or unwilling to comply with the requirements of the Food Code, the case will go to Licensing and we will move forward with license revocation.
6. The Environmental Health Division shall conduct an unscheduled inspection on a quarterly basis for a period of one year and pay a fee of \$100 per inspection. The licensee understands that if he fails to meet environmental health codes resulting in critical violations and/or repeat violations, adverse license action could result. Payment shall be made to the "Minneapolis Finance Department" in the form of check or money order addressed to Minneapolis Environmental Health.
7. Samme Siste, as owner of Hiawatha Pizza, shall be the person in charge or shall designate a person in charge and shall ensure that a person in charge is present at the food establishment during all hours of operation. Based on the risks of food borne illness inherent to the food operation, during inspections and upon request by the regulatory authority, the person in charge shall demonstrate to the regulatory authority knowledge of food borne disease prevention. The person in charge shall ensure that:
 - a) Employees and other persons, including delivery and maintenance persons and pesticide applicators, entering the food preparation, food storage, and ware washing areas comply with the Code.
 - b) Employees effectively clean their hands by routinely monitoring the employees' hand washing.
 - c) Employees visibly observe foods as they are received to determine that they are from approved sources, delivered at the required temperatures, protected from contamination, unadulterated, and accurately presented by routinely monitoring the employees' observations and periodically evaluating foods upon their receipt.
 - d) Employees properly cook potentially hazardous food, being particularly careful in cooking those foods known to cause severe food borne illness and death, including eggs and comminuted meats, through daily oversight of the employees' routine monitoring of the cooking temperatures.
 - e) Employees use proper methods to rapidly cool potentially hazardous foods that are not held hot or are not for consumption within four hours, through daily oversight of the employees' routine monitoring of food temperatures during cooling.
 - f) Employees properly sanitize cleaned multi-use equipment and utensils before they are reused, through routine monitoring of solution temperature and exposure time for hot water sanitizing, and chemical concentration, pH, temperature, and exposure time for chemical sanitizing.
 - g) Employees implement and maintain food safety standards in the facility.

Adopted 4/15/2011.

Absent - Reich.

RE&E - Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the Food Manufacturer License held by Pappy's Fish and Chicken, 2006 Washington Av N.

Adopted 4/15/2011.

Absent - Reich.

Resolution 2011R-171, approving Business License Operating Conditions relating to the Food Manufacturer License held by Pappy's Fish and Chicken, 2006 Washington Av N, was adopted 4/15/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-171
By Glidden

Approving Business License Operating Conditions relating to the Food Manufacturer License held by Pappy's Fish and Chicken, 2006 Washington Av N.

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the Food Manufacturer License held by Pappy's Fish and Chicken, 2006 Washington Av N:

1. "No Trespassing" signs will remain clearly posted on the exterior of the business. Store staff will immediately ask people that are observed loitering in the immediate vicinity of the store to leave. If the loitering activity persists, staff will call 911 and request police assistance to alleviate the loitering activity. The business agrees to cooperate fully in the prosecution of criminal activity.

2. The business agrees to keep all exterior and interior lights illuminated and functioning properly. Lights will remain illuminated during all hours of operation with the exterior lights beginning at dusk.

3. The business agrees to notify business licensing prior to any future changes in the status or structure of leasing or ownership in the business.

4. The business agrees to be a food business only, where no retail items to include T-Shirts, cell phones, or books will be sold.

5. The business agrees to clean the property, and all areas within 100 feet of the property line, of litter and trash regardless of its origin, twice daily. The business shall maintain an adequate and presentable litter receptacle in front of the business that is convenient for customer use.

6. Refuse shall be stored in a regularly serviced, closed container (dumpster) that shall be maintained screened from view as is required by Minneapolis Codes. At no time shall this refuse container be overfilled so that the cover cannot be completely closed at all times.

7. The business agrees to install two large flower pots on either side of the entry way. The flowers will be maintained during the growing season.

Adopted 4/15/2011.

Absent - Reich.

RE&E - Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 4/15/2011.

Absent - Reich.

Resolution 2011R-172, granting applications for Liquor, Wine and Beer Licenses, was adopted 4/15/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-172

By Glidden

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 274875):

Off-Sale Liquor, to expire April 1, 2012

William Frothinger, dba Bottle House, 150 2nd Av S

Washington Avenue Liquors LLC, dba North Loop Wine and Spirits, 218 Washington Av N

Old Arizona Studios Inc, dba Old Arizona Studios, 2821 Nicollet Av

Off-Sale Malt Liquor, to expire April 1, 2012

Town Hall Brewery Ltd Ptn, dba Minneapolis Town Hall Brewery, 1430 Washington Av S (growler license)

On-Sale Liquor Class A with Sunday Sales, to expire April 1, 2012

Rooftop Inc, dba Macy's at Downtown Minneapolis Store 12, 700 Nicollet Mall, 12th floor

Bryant Lake Restaurants Inc, dba Bryant Lake Bowl, 810 W Lake St

View Restaurant & Lounge LLC, dba Urban Eatery, 2730 W Lake St, 1st floor

Brinda-Heilicher of Minneapolis Inc, dba Williams Uptown Pub & Peanut Bar, 2911 Hennepin Av

On-Sale Liquor Class B with Sunday Sales, to expire April 1, 2012

Swanky Entertainment Inc, dba Elixir Lounge, 322 1st Av N

Fourth Street Saloon Inc, dba 4th Street Saloon, 328 W Broadway

Arthurs Riverfront Properties Inc, dba Moose on Monroe, 356 Monroe St NE

Twin Cities Entertainment Inc, dba Aqua Nightclub, 400 1st Av N, #110

On-Sale Liquor Class C-1 with Sunday Sales, to expire April 1, 2012

It's Greek to Me Inc, dba It's Greek to Me, 626 W Lake St

On-Sale Liquor Class C-1 with Sunday Sales, to expire May 21, 2011

Stanleys Northeast Bar Room LLC, dba Stanleys Northeast Bar Room, 2500 University Av NE (temporary expansion of premises May 21, 2011, 1:00 p.m. to 5:00 p.m.)

On-Sale Liquor Class C-1 with Sunday Sales, to expire March 17, 2011

O'Donovan's Irish Pub LLC, dba O'Donovans Irish Pub, 700 1st Av N (temporary expansion of premises March 17, 2011, 8:00 a.m. to 2:00 a.m., St. Patrick's Day Event)

On-Sale Liquor Class C-2 with Sunday Sales, to expire April 1, 2012

Town Hall Brewery Limited Partnership, dba Minneapolis Town Hall Brewery, 1430 Washington Av S

Mr Susie LLC, dba Barbette, 1600 W Lake St

Tees Ethio Asian Cuisine LLC, dba T's Place, 2713 E Lake St

On-Sale Liquor Class E with Sunday Sales, to expire April 1, 2012

Jetset Inc, dba Jetset Bar, 115 1st St N

Brinda Investments Inc, dba Tugg's on the River, 219 Main St SE

Bev's Inc, dba Bev's Wine Bar, 250 3rd Av N

Nami LLC, dba Nami Restaurant, 251 1st Av N

Bramare LLC, dba Toast Wine Bar & Cafe, 415 1st St N #1

Wild Bohemians Inc, dba Keys at the Foshay Bar & Grill, 114 S 9th St, Foshay Tower

Lafayette Cafe LLC, Vincent, 1100 Nicollet Mall

Lucia Watson Entr, dba Lucia's Restaurant, 1432 W 31st St

Mannings Cafe Inc, 2200 Como Av SE

HJH Inc, dba Roat Osha, 2650 Hennepin Av

Satelite Productions Inc, dba Craftsman, 4300 E Lake St

Temporary On-Sale Liquor

Lundstrum Center, dba Lundstrum Center, 1617 2nd St N, #2 (May 14, 2011, 6:00 p.m. to 10:00 p.m.)

Liquor Catering Services

Mr. Susie Inc, dba Barbette, 1600 W Lake St

On-Sale Wine Class A with Strong Beer, to expire April 1, 2012

Ballet of the Dolls Inc, dba Ritz Theater Presents, 343 13th Av NE (no food requirement)

Minnesota Star Inc, dba Cedar Cultural Centre, 416 Cedar Av S (no food requirement)

Illusion Theater & School Inc, dba Illusion Theater, 528 Hennepin Av (no food requirement)

On-Sale Wine Class C-2 with Strong Beer, to expire April 1, 2012

Lowertown Hospitality Group Inc, dba Savoy Uptown, 2329 Hennepin Av

Cardinal Bar Inc, dba Cardinal Bar, 2920 E 38th St

On-Sale Wine Class D with Strong Beer, to expire April 1, 2012

Marias Cafe Inc, dba Marias Cafe, 1113 E Franklin Av

McClain Inc, dba Tosca/Turtle Bread, 3421 W 44th St

Blackbird Inc, dba Blackbird Cafe, 3800 Nicollet Av

France 44 Foods Inc, dba France 44 Cheese Shop, 4351 France Av S #B

First Course Inc, dba First Course, 5607 Chicago Av

On-Sale Wine Class E with Strong Beer, to expire April 1, 2012

Parkway Pizza Inc, dba Parkway Pizza, 4457 42nd Av S (internal transfer of shares)

Carbone's Pizza on the Parkway, dba Carbone's Pizza on the Parkway, 4724 Cedar Av S (upgrade from 3.2 beer)

Sunny Park International Enterprise Inc, dba Green Spoon, 2600 University Av SE #A (new business)

Manaslu Group LLC, dba Gorkha Palace, 23 4th St NE

Eagle Shores Hospitality Inc, dba Signature Cafe & Catering, 130 Warwick St SE

Civitali Restaurant Corp, dba Punch Neapolitan Pizza, 208 E Hennepin Av

The Noodle Shop Co - Minnesota Inc, dba Noodles & Company, 233 Cedar Av S

The Anchor Fish & Chips LLC, dba The Anchor, 302 13th Av NE

Black Sheep Coal Fired Pizza LLC, dba Black Sheep Coal Fired Pizza, 600 Washington Av N

The Noodle Shop, Co - Minnesota Inc, dba Noodles & Company, 616 Washington Av SE

Be'Wiched Deli Inc, dba Be'Wiched Deli, 800 Washington Av N #101

Punch Neapolitan Pizza, dba Punch Neapolitan Pizza, 802 Washington Av SE

Ventnor Partners LLC, dba Gigi's Cafe, 824 W 36th St

Shuang Cheng Inc, dba Shuang Cheng Restaurant, 1320 4th St SE

Namaste Natural Products LLC, dba Namaste Cafe, 2512 Hennepin Av

Caravelle Restaurant Inc, dba Caravelle-Pho 79 Restaurant, 2529 Nicollet Av

Lowry Hills Cafes Inc, dba French Meadow Bakery and Cafe, 2610 Lyndale Av S

True Thai Restaurant Ltd, dba True Thai Restaurant, 2627 E Franklin Av

Floating World Cafe, dba Floating World Cafe, 2629 E Lake St

Cafe Twenty Eight LLC, dba Cafe Twenty Eight, 2724 W 43rd St

Katar River Restaurant & Bakery LLC, dba Katar River Restaurant & Bakery, 2751 Minnehaha Av

Full Kitchen Guys LLC, dba Amici Pizza & Bistro, 2851 Johnson St NE

Good Cheer Hospitality LLC, dba Hazels Northeast, 2859 Johnson St NE

China Pavilion Inc, dba Szechuan Spice, 3016 Lyndale Av S

Italianis LLC, dba Italianis Family Restaurant Grill & Bar, 3508 E Lake St

Under Grand Cafe Inc, dba Grand Cafe, 3804 Grand Av S

Crystal Garden Inc, dba Crystal Garden, 4711 Hiawatha Av

Town Hall Tap LLC, dba Town Hall Tap, 4810 Chicago Av

Pizzeria Lola LLC, dba Pizzeria Lola LLC, 5557 Xerxes Av S

Papago Inc, dba Fat Lorenzo's, 5600 Cedar Av S

Temporary On-Sale Wine

Saint Paul Jaycees, dba City Pages Wine Tasting, 1 Water St #275, Saint Paul (Fundraiser/ Tasting April 15, 2011, 6:00 p.m. to 9:00 p.m. at International Market Square, 275 Market St)

On-Sale Wine Class E, to expire April 1, 2012

Patrick's French Bakery Inc, dba Patrick's Bakery & Cafe, 6010 Lyndale Av S

Off-Sale Beer, to expire April 1, 2012

Northern Tier Retail LLC, dba Super America #4388, 101 W Grant St

Northern Tier Retail LLC, dba Super America #4056, 300 Broadway St NE

Baladna Food Inc, dba Baladna Foods, 801 4th St SE

Bobby and Steves Auto World II LLP, dba Bobby & Steve's Autoworld, 1221 Washington Av S

Northern Tier Retail LLC, dba Super America #4185, 1820 34th Av NE

Northern Tier Retail LLC, dba Super America #4034, 2200 Lyndale Av S

Northern Tier Retail LLC, dba Super America #4378, 2445 Bloomington Av

Northern Tier Retail LLC, dba Super America #4024, 2501 Hennepin Av

Lambert & Lambert Ent Inc, dba Metro Petro, 2700 University Av SE

Marissa's Inc, dba Marissa's Supermarket, 2750 Nicollet Av

Sunshine Foods, dba Sunshine Foods, 3300 4th Av S

Northern Tier Retail LLC, dba Super America #4173, 3357 University Av SE

Northern Tier Retail LLC, dba Super America #4232, 3453 Nicollet Av

Northern Tier Retail LLC, dba Super America #4382, 3744 Chicago Av

Northern Tier Retail LLC, dba Super America #4172, 3806 W Lake St

Reidy Company, dba Reidy's Country Boy, 3904 42nd Av S

Northern Tier Retail LLC, dba Super America #4135, 4001 Lyndale Av S

Marathon on Lyndale, dba Marathon on Lyndale, 4101 Lyndale Av N

Northern Tier Retail LLC, dba Super America #4021, 4320 E Lake St

Kabalan Co, dba Pump and Munch, 4401 Nicollet Av

Northern Tier Retail LLC, dba Super America #4161, 4740 Cedar Av S

Northern Tier Retail LLC, dba Super America #4165, 5101 34th Av S

Northern Tier Retail LLC, dba Super America #4166, 6000 Portland Av

Kar Business Investments LLC, dba Crosstown Qwik N Serve BP, 6004 Penn Av S

On-Sale Beer Bottle Club, to expire April 1, 2012

Vincent L Giantvalley Post #234, dba American Legion, 3751 Minnehaha Av

Wold-Chamberlain American Legion, dba Post #99, 5600 34th Av S

Temporary On-Sale Beer

Church of the Annunciation, dba Church of the Annunciation, 509 W 54th St (Fundraiser
May 14, 2011, 6:30 p.m. to Midnight)

Church of St. Hedwig, dba Church of St. Hedwig, 129 29th Av NE (June 5, 2011).

Adopted 4/15/2011.

Absent - Reich.

RE&E - Your Committee recommends passage of the accompanying resolution granting applications
for Business Licenses.

Adopted 4/15/2011.

Absent - Reich.

Resolution 2011R-173, granting applications for Business Licenses, was adopted 4/15/2011 by the
City Council. A complete copy of this resolution is available for public inspection in the office of the
City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-173

By Glidden

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of April 15, 2011 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petr No 274875):

Bowling Alley; Bowling, Pool & Billiard All Night Special; Dance Hall; Dry Cleaner - Non-Flammable; Place of Entertainment; Flower Cart Vendor; All Night Special Food; Boarding House; Caterers; Confectionery; Food Distributor; Grocery; Food Manufacturer; Food Market Manufacturer; Drive In Food; Restaurant; Food Shelf; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Sidewalk Cart Food Vendor; Heating, Air Conditioning & Ventilating Class B; Municipal Market; Plumber; Public Market; Refrigeration Systems Installer; Rental Halls; Residential Specialty Contractor; Secondhand Goods Class B; Solid Waste Hauler; Swimming Pool - Public; Taxicab Vehicle - Wheelchair Access; Taxicab Vehicle; Taxicab Vehicle Non-Transferable; Theater Zone I; Tobacco Dealer; Combined Trades; Tree Servicing; Valet Parking; and Wrecker of Buildings Class B.

Adopted 4/15/2011.

Absent - Reich.

RE&E - Your Committee recommends passage of the accompanying resolution granting applications for Gambling Licenses.

Adopted 4/15/2011.

Absent - Reich.

Resolution 2011R-174, granting applications for Gambling Licenses, was adopted 4/15/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-174

By Glidden

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petr No 274875):

Gambling Exempt

Metro Quail Forever, dba Metro Quail Forever, 8750 County Road 43 (Raffle April 12, 2011)

Groves Academy, dba Groves Academy, 3200 Highway 100 S (Raffle April 29, 2011)

North Memorial Foundation, 3300 Oakdale Av N, Robbinsdale (Raffle May 1, 2011)

ALSAC, dba ALSAC, 7301 Ohms Ln #310, Edina (Raffle May 6, 2011)

Church of the Annunciation, dba Church of the Annunciation, 509 W 54th St (Raffle May 14, 2011)

Kenwood Elementary School, dba Kenwood Elementary School PTA, 2013 Penn Av S (Raffle May 14, 2011)

Windom Park Citizens in Action, dba Windom Park Citizens in Action, 2314 Lowry Av NE (Bingo June 3, 2011)

Church of St. Anthony of Padua, dba Church of St. Anthony of Padua, 804 2nd St NE (August 7, 2011).

Adopted 4/15/2011.

Absent - Reich.

RE&E - Your Committee, having under consideration the property located at 1626 3rd St NE, which has been determined by the Department of Regulatory Services to constitute a nuisance under the Minneapolis Code of Ordinances; and a Director's Order to Demolish the property having been issued to the property owner, which was subsequently appealed to the Nuisance Condition Process Review Panel, now recommends concurrence with the recommendation of the Panel that said Order be upheld

and that the structure located at 1626 3rd St NE be demolished, in accordance with the Findings of Fact, Conclusions and Recommendation on file in the Office of the City Clerk, which are hereby made a part of this report by reference.

Adopted 4/15/2011.

Absent - Reich.

RE&E - Your Committee, having under consideration the Confectionery and Tobacco Dealer Licenses held by S & G Group LLC, dba Arcade Convenience, 27 S 7th St, and a hearing having been held to determine whether Arcade Convenience violated the Minneapolis Code of Ordinances by failing to pay administrative fines and fees owed to the City of Minneapolis, in the amount of \$770, and to the State of Minnesota, in the amount of \$11,633.31, now recommends that said licenses be revoked.

Adopted 4/15/2011.

Absent - Reich.

RE&E - Your Committee, having under consideration the Rental Dwelling License held by Leslie A. Moore for the property located at 3253/55 Bloomington Av; and the licensee having been notified of the City's intent to revoke the license and not having filed an appeal, now recommends concurrence with the recommendation of the Director of Housing Inspections that said license be revoked for failure to meet licensing standards pursuant to Section 244.1910, Subsection (11) of the Minneapolis Code of Ordinances, as more fully set forth in the Findings of Fact on file in the Office of the City Clerk which are hereby made a part of this report by reference.

Adopted 4/15/2011.

Absent - Reich.

RE&E - Your Committee, having under consideration the Rental Dwelling Licenses held by Spiros Zorbalas and Mary Brandt for the properties located at 905 Franklin Av; 3725 Cedar Av S; and 1830 Stevens Av S, and a hearing having been held before an administrative hearing officer who issued Findings of Fact, Conclusions and a Recommendation that the rental dwelling license be revoked, now recommends the following:

a) Concurrence with the recommendation of the Director of Housing Inspections that said licenses be revoked for failure to meet licensing standards pursuant to Section 244.1910, Subsections (17) and (19) of the Minneapolis Code of Ordinances, as more fully set forth in the Findings of Fact on file in the Office of the City Clerk which are hereby made a part of this report by reference.

b) That the request for a stay of the revocation action be granted, subject to the appeal being filed in a timely manner and diligently pursued by the licensee.

c) That staff be directed to convene a work team that may consist of both City of Minneapolis staff, as well as outside jurisdictions and partners, to help plan for the potential vacation of effected rental properties and the potential relocation of effected residents, with a progress report back to the Regulatory, Energy & Environment Committee on or before May 16, 2011.

Adopted 4/15/2011.

Declining to vote - Schiff, Colvin Roy.

Absent - Reich.

The REGULATORY, ENERGY & ENVIRONMENT and WAYS & MEANS/BUDGET Committees submitted the following report:

RE&E & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a grant agreement with the Mississippi Watershed Management Organization (MWMO) to receive \$19,200 to pay for two interns in Environmental Services who will assist the Department of Regulatory Services and the MWMO in erosion control enforcement, and to conduct studies in best management practices for storm water management, water sampling, and other projects related to storm water quality in Minneapolis. Further, passage of the accompanying resolution appropriating \$19,200 to the Department of Regulatory Services.

Adopted 4/15/2011.

Absent - Reich.

RESOLUTION 2011R-175
By Glidden and Hodges

Amending The 2011 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Department of Regulatory Services Agency in the Grants – Other Fund (01600-8350600) by \$19,200 and increasing the Revenue Estimate for the Department of Regulatory Services (01600-8350600) by \$19,200.

Adopted 4/15/2011.

Absent - Reich.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee recommends the following appointments to the Transportation Management Organization (TMO) Executive Committee for terms expiring December 31, 2013:

a) Alicia Cozine, Guthrie Theater, to fill a vacant position representing the Arts and Entertainment/Downtown Resident sector; and

b) Rob Berrell, CBS Radio, to fill a vacant position representing the Media sector.

Adopted 4/15/2011.

Absent - Reich.

T&PW - Your Committee recommends passage of the accompanying resolution adopting additions to and deletions from the Municipal State Aid Street System within the City of Minneapolis.

Adopted 4/15/2011.

Absent - Reich.

Resolution 2011R-176, adopting deletions from and additions to the "Municipal State Aid Street System" within the City of Minneapolis, was adopted 4/15/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-176
By Colvin Roy

Adopting deletions from and additions to the "Municipal State Aid Street System" within the City of Minneapolis.

Whereas, it appears to the City Council of the City of Minneapolis that the streets hereinafter described should be deleted from or added to the system of "Municipal State Aid Streets" under the provisions of Minnesota Statutes of 1983, Chapter 162; and

Whereas, it is the desire of said City Council that said streets be deleted from or added to the system of "Municipal State Aid Streets" as previously established;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the streets described and numbered as follows and designated as "Municipal State Aid Streets" as previously established be deleted from the system, subject to the approval of the Commissioner of Transportation of the State of Minnesota:

- MSA Route 176 Grand Ave
46th St W to 48th St W (0.25 miles)
- MSA Route 203 Washington St NE
Lowry Ave NE to 27th Ave NE (0.25 miles)

- MSA Route 204 Xerxes Ave S
39th St W to Calhoun Blvd (0.19 miles)
- MSA Route 257 40th St W
King's Highway (Dupont Ave S) to Bryant Ave S (0.12 miles)
- MSA Route 290 St Anthony Ave
E River Terrace to E City Limits (0.13 miles)

Be It Further Resolved that the streets described and numbered as follows be designated as "Municipal State Aid Streets" of said City, subject to the approval of the Commissioner of Transportation of the State of Minnesota:

- Minneapolis MSA Route 165
Chicago Ave from 2nd St S to Washington Ave (0.08 miles)
- Minneapolis MSA Route 420
9th Ave S, Washington Ave S to 2nd St S (0.08 miles)
- Minneapolis MSA Route 442
22nd St E, Snelling Ave to Cedar Ave (0.04 miles)
- Minneapolis MSA Route 456
Park Ave, Washington Ave S to 2nd St S (0.08 miles)
- Minneapolis MSA Route 449
Godward St NE, Broadway St NE to Stinson Blvd (0.20 miles)
- Minneapolis MSA Route 457
Van White Blvd, Linden Ave to Glenwood Ave (0.49 miles)
- Minneapolis MSA Route 458
Harding St NE, Hennepin Ave E to Kennedy St NE (0.25 miles)
Harding St NE, Summer St NE to Broadway St NE (0.12 miles)
- Minneapolis MSA Route 459
Winter St NE, Hoover St NE to Delano St NE (0.06 miles)
- Minneapolis MSA Route 460
Delano St NE, Spring St NE to Winter St NE (0.12 miles)
- Minneapolis MSA Route 461
Summer St NE, Cleveland St NE to Stinson Blvd (0.20 miles)
Summer St NE, Taft St NE to Harding St NE (0.12 miles)
- Minneapolis MSA Route 462
Cleveland St NE, Summer St NE to Broadway St NE

Adopted 4/15/2011.

Absent - Reich.

T&PW - Your Committee recommends passage of the accompanying resolution directing the Hennepin County Auditor to cancel and reduce various street resurfacing special assessments for payable 2011 and subsequent years due to full and partial prepayment of the special assessments.

Adopted 4/15/2011.

Absent - Reich.

Approved by Mayor Rybak 4/15/2011.

(Published 4/19/2011)

Resolution 2011R-177, directing the Hennepin County Auditor to reduce and cancel various special assessments for Public Works street and alley resurfacing and street lighting improvements for the payable 2011 and subsequent years' tax files, was adopted 4/15/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-177

By Colvin Roy

**REDUCTION AND CANCELLATION OF
MINNEAPOLIS PUBLIC WORKS SPECIAL ASSESSMENTS**

Directing the Hennepin County Auditor to reduce and cancel the special assessments for Public Works street and alley resurfacing and street lighting improvements for the payable 2011 and subsequent years' tax files described hereinafter.

Whereas, in accordance with Chapter 10 of the Minneapolis City Charter, the City Council of the City of Minneapolis passed Resolution 2010R-564 on November 19, 2010 adopting the assessment rolls as prepared by the City Engineer and ordered the transmittal of certified copies of the assessment rolls to the Hennepin County Auditor for collection to begin on the 2011 real estate tax statements which included the Street Resurfacing Project Numbers as stated herein; and

Whereas, there are the following described assessments that are erroneously being carried on the real estate tax statement due to partial and full prepayments of the assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That pursuant to the provisions of Chapter 10, Section 15 of the Minneapolis City Charter, the Hennepin County Auditor is hereby directed to reduce the following levied special assessment on the 2011 and subsequent years' tax statements from a total assessment amount of \$942.40 to:

<u>LEVY</u>	<u>PROJECT</u>	<u>PROPERTY ID</u>	<u>ORIGINAL AMT</u>
01027	52090	02-028-24-24-0050	\$ 496.00

Be It Further Resolved that pursuant to the provisions of Chapter 10, Section 15 of the Minneapolis City Charter, the Hennepin County Auditor is hereby directed to cancel the following levied special assessments from the 2011 and subsequent years' tax statements:

<u>LEVY</u>	<u>PROJECT</u>	<u>PROPERTY ID</u>	<u>ORIGINAL AMT</u>
01027	52100	13-118-21-21-0027	\$358.40
01027	52070	30-029-23-34-0100	\$229.82
01027	52070	30-029-23-34-0116	\$213.94
01026	6729L	04-028-24-11-0167	\$169.23
01013	FS101	04-028-24-44-0052	\$352.17
01026	6729L	10-028-24-22-0083	\$770.46
01026	6729L	10-028-24-22-0088	\$630.37
01026	6729L	16-028-24-14-0003	\$994.91
01026	6729L	16-028-24-14-0029	\$1149.55
01026	5211R	17-028-24-42-0124	\$1945.60
01027	51930	22-028-24-21-0191	\$1801.20
01027	51930	22-028-24-24-0018	\$972.80
01027	51930	22-028-24-24-0087	\$1282.50
01027	51930	22-028-24-31-0041	\$1200.80
01027	51930	22-028-24-31-0102	\$898.70
01013	FS101	01-029-24-43-0114	\$327.60
01027	52060	20-029-24-43-0081	\$1216.00
01027	52060	28-029-24-22-0102	\$1081.10
01027	52060	28-029-24-22-0137	\$1187.50
01027	52060	28-029-24-22-0168	\$2605.09
01027	52060	29-029-24-11-0039	\$972.80
01027	52060	29-029-24-11-0117	\$972.80
01027	52060	29-029-24-12-0022	\$1273.00
01027	05206	29-029-24-14-0044	\$66.69

Adopted 4/15/2011.

Absent - Reich.

Approved by Mayor Rybak 4/15/2011.

APRIL 15, 2011

T&PW - Your Committee recommends passage of the accompanying resolution directing the Hennepin County Auditor to cancel duplicate street resurfacing special assessments related to the 7th St N Street Resurfacing Project for taxes payable in 2011 and subsequent years.

Adopted 4/15/2011.

Absent - Reich.

Approved by Mayor Rybak 4/15/2011.

(Published 4/19/2011)

Resolution 2011R-178, directing the Hennepin County Auditor to cancel various special assessments for street resurfacing improvements for the payable 2011 and subsequent years' tax files, was adopted 4/15/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-178

By Colvin Roy

**CANCELLATION OF MINNEAPOLIS PUBLIC WORKS
STREET RESURFACING SPECIAL ASSESSMENTS**

Directing the Hennepin County Auditor to cancel the special assessments for street resurfacing improvements for the payable 2011 and subsequent years' tax files described hereinafter.

Whereas, in accordance with Chapter 10 of the Minneapolis City Charter, the City Council of the City of Minneapolis passed Resolution 2010R-564 on November 19, 2010 adopting the assessment rolls as prepared by the City Engineer and ordered the transmittal of certified copies of the assessment rolls to the Hennepin County Auditor for collection to begin on the 2011 real estate tax statement which included the 7th St N Street Resurfacing Project No 5200; and

Whereas, The City Council of the City of Minneapolis passed Resolution 2009R-300 on June 26, 2009 whereby the repayment term for the 7th St N street resurfacing special assessments was extended from 5 years to 7 years for certain properties as identified by Property ID below; and

Whereas, there are the following described assessments that are erroneously being carried on the real estate tax statements due to duplicate listings of the street resurfacing improvement assessment on a 5-year term assessment roll and on a 7-year term assessment roll;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That pursuant to the provisions of Chapter 10, Section 15 of the Minneapolis City Charter, the Hennepin County Auditor is hereby directed to cancel the following levied 5-year term special assessments from the 2011 and subsequent years' tax statements:

<u>LEVY</u>	<u>PROJECT</u>	<u>PROPERTY ID</u>	<u>ORIGINAL AMT</u>
01027	52009	21-029-24-11-0046	\$5,855.71
01027	52009	21-029-24-11-0078	\$6,118.69
01027	52009	21-029-24-11-0079	\$14,590.79
01027	52009	21-029-24-11-0080	\$2,458.29

Adopted 4/15/2011.

Absent - Reich.

Approved by Mayor Rybak 4/15/2011.

T&PW - Your Committee, having under consideration the construction of a Hydraulic Surge Facility, now recommends that the proper City officers be authorized to execute Amendment No 1 to Contract C-28124 with Rice Lake Construction Group, increasing the contract by \$21,839.66, for a revised estimated contract total of \$698,439.66, for construction Change Orders 1-4 to address minor field changes required by unknown site conditions, plan discrepancies, and unforeseen work.

Adopted 4/15/2011.

Absent - Reich.

T&PW - Your Committee, having under consideration the construction of a Hydraulic Surge Facility, now recommends that the proper City officers be authorized to execute Amendment No 2 to Contract C-28124 with Rice Lake Construction Group, increasing the contract by \$45,268.00, for a revised estimated contract total of \$743,707.66, for Construction Change Order 5 to address emergency flood preparation work at Pump Station No 4.

Adopted 4/15/2011.

Absent - Reich.

T&PW - Your Committee recommends that the proper City officers be authorized to execute an amendment to Consulting Pool Contract 25765, Scope 3, with Bonestroo, Inc., in the amount of \$92,557.03, for a revised contract total of \$392,557.03, to allow for additional engineering services related to the renovation of Pump Station No 4.

Adopted 4/15/2011.

Absent - Reich.

T&PW - Your Committee, having under consideration the Minneapolis Park and Recreation Board (MPRB) application for a grant from the State of Minnesota Department of Natural Resources for funds to combat the Emerald Ash Borer infestation in Minneapolis, now recommends that the City Council formally approve the Minneapolis Park and Recreation Board's request to remove and replace trees within the public rights-of-way which are under City Council jurisdiction.

Adopted 4/15/2011.

Absent - Reich.

T&PW - Your Committee recommends passage of the accompanying resolution designating the locations and streets to be improved in the 2011 Street Resurfacing Program, Ventura Village, Ridgewood and Pillsbury Aves Street Resurfacing Project, Special Improvement of Existing Street No 5216.

Adopted 4/15/2011.

Absent - Reich.

Resolution 2011R-179, designating the locations and streets to be improved in the Ventura Village, Ridgewood and Pillsbury Aves Street Resurfacing Project No 5216, was adopted 4/15/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-179

By Colvin Roy

**2011 STREET RESURFACING PROGRAM
VENTURA VILLAGE, RIDGEWOOD AND PILLSBURY AVES
STREET RESURFACING PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 5216**

Designating the improvement of certain existing streets in the 2011 Street Resurfacing Program at the locations described hereinafter.

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 8 of the Minneapolis City Charter, by asphalt mill and overlay and including other street resurfacing-related improvements as needed:

Ventura Village (5216)

18th and 19th Sts E from 11th Ave S to 16th Ave S;

13th, 14th, and 15th Aves S from 18th St E to Franklin Ave E;
16th Ave S from 18th St E to 19th St E;
21st St E from Chicago Ave to 14th Ave S;
22nd St E from I-35W to 14th Ave S;
23rd St E from 13th Ave S to 14th Ave S;
5th Ave S, Oakland Ave, Elliot Ave, and 10th Ave S from Franklin Ave E to 24th St E;
12th Ave S from 22nd St E to its terminus in a cul-de-sac;
13th Ave S from 21st St E to 24th St E;
14th Ave S from Franklin Ave E to 23rd St E;
Ridgewood Ave from Lyndale Ave S to Pillsbury Ave; and
Pillsbury Ave from Groveland Ave to Franklin Ave W.

Adopted 4/15/2011.

Absent - Reich.

T&PW - Your Committee, having received cost estimates of \$985,642 for street resurfacing improvements and a list of benefited properties for certain locations in the Ventura Village, Ridgewood and Pillsbury Aves Street Resurfacing Project, Special Improvement of Existing Street No 5216, as designated by Resolution 2011R-179 passed April 15, 2011, now recommends that the City Engineer be directed to prepare a proposed Street Resurfacing Special Improvement Assessment against the list of benefited properties by applying the 2011 Uniform Assessment Rates as per Resolution 2011R-036, passed January 28, 2011.

Your Committee further recommends that a public hearing be held on June 7, 2011 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the resurfacing of the above designated street locations, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 4/15/2011.

Absent - Reich.

T&PW - Your Committee recommends passage of the accompanying resolution designating the locations and streets to be improved in the Talmage Ave SE Reconstruction Project, Special Improvement of Existing Street No 2225.

Adopted 4/15/2011.

Absent - Reich.

Resolution 2011R-180, designating the locations and streets to be improved in the Talmage Ave SE Street Reconstruction Project, Special Improvement of Existing Street No 2225, was adopted 4/15/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-180

By Colvin Roy

**TALMAGE AVE SE STREET RECONSTRUCTION PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 2225**

Designating the improvement of certain existing streets at the locations described hereinafter.

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 6 of the Minneapolis City Charter, by paving

with plant mix asphalt and concrete, with concrete curb and gutter all on a stabilized base and including other street paving-related improvements as needed:

Talmage Ave SE from approximately 29th Ave SE to 120 feet west of the west ROW line of 33rd Ave SE.

Adopted 4/15/2011.

Absent - Reich.

T&PW - Your Committee, having received a cost estimate of \$1,920,000 for street construction improvements and a list of benefited properties for certain locations in the Talmage Ave SE Reconstruction Project, Special Improvement of Existing Street No 2225, as designated by Resolution 2011R-180, passed April 15, 2011, now recommends that the City Engineer be directed to prepare a proposed Street Construction Special Improvement Assessment against the list of benefited properties by applying the 2011 Uniform Assessment Rates as per Resolution 2011R-036, passed January 28, 2011.

Your Committee further recommends that a public hearing be held on June 7, 2011, in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the construction of the above-designated street location, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 4/15/2011.

Absent - Reich.

T&PW - Your Committee recommends passage of the accompanying resolution designating the locations and streets to be improved in the Riverside Ave Street Lighting Phase I Project, Special Improvement of Existing Street No 6746.

Adopted 4/15/2011.

Absent - Reich.

Resolution 2011R-181, designating the locations and streets to be improved in the Riverside Ave Street Lighting Phase I Project No 6746, was adopted 4/15/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-181

By Colvin Roy

**RIVERSIDE AVE STREET LIGHTING PHASE I PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 6746**

Designating the improvement of certain existing streets at the locations described hereinafter.

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 6 of the Minneapolis City Charter, by installing low-level pedestrian scale street lighting and high level lights at selected locations within the following boundary:

Riverside Ave from 23rd Ave S approximately 2,800 feet to Franklin Ave E (both sides).

Adopted 4/15/2011.

Absent - Reich.

T&PW - Your Committee, having received a cost estimate of \$272,800 for improvements and a list of benefited properties for the Riverside Ave Street Lighting Phase I Project, Special Improvement of

Existing Street No 6746, as designated by Resolution 2011R-181, passed April 15, 2011, now recommends that the City Engineer be directed to prepare a proposed Street Lighting Special Improvement Assessment in the amount of \$272,800 against the list of benefited properties by applying the street influence zone area method.

Your Committee further recommends that a public hearing be held on May 17, 2011, in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the construction of the above-designated street lighting project, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 4/15/2011.

Absent - Reich.

T&PW - Your Committee recommends passage of the accompanying resolution designating the locations and streets to be improved in the 2011 Street Resurfacing Program, Chicago Ave (38th St E to 46th St E) Street Resurfacing Project, Special Improvement of Existing Street No 5209 and Chicago Ave (49th St E to 60th St E) Street Resurfacing Project, Special Improvement of Existing Street No 5208.

Adopted 4/15/2011.

Absent - Reich.

Resolution 2011R-182, designating the locations and streets to be improved in the Chicago Ave Street Resurfacing Projects No 5209 and No 5208, was adopted 4/15/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-182

By Colvin Roy

2011 STREET RESURFACING PROGRAM

CHICAGO AVE (38TH ST E TO 46TH ST E) STREET RESURFACING PROJECT

SPECIAL IMPROVEMENT OF EXISTING STREET NO 5209 AND

CHICAGO AVE (49TH ST E TO 60TH ST E) STREET RESURFACING PROJECT

SPECIAL IMPROVEMENT OF EXISTING STREET NO 5208

Designating the improvement of certain existing streets in the 2011 Street Resurfacing Program at the locations described hereinafter.

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 8 of the Minneapolis City Charter, by asphalt mill and overlay and including other street resurfacing-related improvements as needed:

Chicago Ave (5209)

Chicago Ave from 38th St E to 46th St E;

Chicago Av (5208)

Chicago Ave from 49th St E to 60th St E.

Adopted 4/15/2011.

Absent - Reich.

T&PW - Your Committee, having received cost estimates of \$505,440 for street resurfacing improvements and a list of benefited properties for certain locations in the Chicago Ave (38th St E to 46th St E) Street Resurfacing Project, Special Improvement of Existing Street No 5209, and having received a cost estimate of \$1,099,120 for street resurfacing improvements and a list of benefited properties for certain locations in the Chicago Ave (49th St E to 60th St E) Street Resurfacing Project,

Special Improvement of Existing Street No 5208, as designated by Resolution 2011R-182 passed April 15, 2011, now recommends that the City Engineer be directed to prepare a proposed Street Resurfacing Special Improvement Assessment against the list of benefited properties by applying the 2011 Uniform Assessment Rates as per Resolution 2011R-036, passed January 28, 2011.

Your Committee further recommends that a public hearing be held on June 7, 2011 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the resurfacing of the above-designated street locations, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 4/15/2011.

Absent - Reich.

The TRANSPORTATION & PUBLIC WORKS and WAYS & MEANS/BUDGET Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee, having under consideration the Lyndale Ave S Street Reconstruction and Street Lighting Project (Minnehaha Pkwy to 56th St W), Special Improvement of Existing Street No 6745, and having held a public hearing thereon, now recommends that the proper City officers be authorized to execute a Cooperative Agreement with Hennepin County for the reconstruction of Lyndale Ave S, pending satisfactory review by the City Attorney's office.

Your Committee further recommends passage of the accompanying resolutions:

- a) Ordering the work to proceed and adopting the special assessments for the street reconstruction project;
- b) Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of the street reconstruction project;
- c) Ordering the work to proceed and adopting the special assessments for the street lighting project; and
- d) Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street lighting project;
- e) Ordering the City Engineer to abandon and remove the areaways located in the public street right-of-way that are in conflict with the street reconstruction and street lighting projects; and
- f) Directing the City Engineer to establish no parking restrictions on Lyndale Ave S to meet State Aid Rules.

Adopted 4/15/2011.

Absent - Reich.

Resolution 2011R-183, ordering the work to proceed and adopting the special assessments for the Lyndale Ave S (Minnehaha Pkwy to 56th St W) Street Reconstruction Project No 6745, was adopted 4/15/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2011R-183
By Colvin Roy and Hodges**

**LYNDALE AVE S (FROM MINNEHAHA PKWY TO 56TH ST W)
STREET RECONSTRUCTION PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 6745**

Ordering the work to proceed and adopting the special assessments for the Lyndale Ave S (Minnehaha Pkwy to 56th St W) Street Reconstruction Project.

Whereas, a public hearing was held on April 5, 2011 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2011R-106 passed March 10, 2011, to consider the proposed special assessments, as on file in the office of the City Clerk, and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2011R-106 passed March 10, 2011.

Be It Further Resolved that the proposed special assessments in the total amount of \$613,075.81, as on file in the office of the City Clerk, be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at twenty (20) and that the interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2013 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessment of \$150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2013 real estate tax statements.

Adopted 4/15/2011.

Absent - Reich.

Resolution 2011R-184, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the Lyndale Ave S (Minnehaha Pkwy to 56th St W) Street Reconstruction Project No 6745, was adopted 4/15/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-184
By Colvin Roy and Hodges

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$613,080 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the Lyndale Ave S (Minnehaha Pkwy to 56th St W) Street Reconstruction Project, Special Improvement of Existing Street No 6745, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

Adopted 4/15/2011.

Absent - Reich.

Resolution 2011R-185, ordering the work to proceed and adopting the special assessments for the Lyndale Ave S (Minnehaha Pkwy to 56th St W) Street Lighting Project No 6729L, was adopted 4/15/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-185
By Colvin Roy and Hodges

LYNDALE AVE S (MINNEHAHA PKWY TO 56TH ST W)
STREET LIGHTING PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 6729L

Ordering the work to proceed and adopting the special assessments for the Lyndale Ave S (Minnehaha Pkwy to 56th St W) Street Lighting Project.

Whereas, a public hearing was held on April 5, 2011 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2011R-107 passed March 10, 2011, to consider the proposed special assessments, as on file in the office of the City Clerk, and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in Resolution 2011R-107 passed March 10, 2011.

Be It Further Resolved that the proposed special assessments in the total amount of \$197,800, as on file in the office of the City Clerk, are hereby adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at twenty (20) and that the interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2014 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that the interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments on the 2014 real estate tax statements.

Adopted 4/15/2011.

Absent - Reich.

Resolution 2011R-186, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the Lyndale Ave S (Minnehaha Pkwy to 56th St W) Street Lighting Project No 6745L, was adopted 4/15/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-186
By Colvin Roy and Hodges

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$197,800 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the Lyndale Ave S (Minnehaha Pkwy to 56th St W) Street Lighting Project, Special Improvement of Existing Street No 6745L, to be assessed against benefited properties as estimated by the City Council, which

assessments shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

Adopted 4/15/2011.

Absent - Reich.

Resolution 2011R-187, ordering the City Engineer to abandon and remove the areaways located in the public street right-of-way that are in conflict with the street reconstruction and street lighting projects in the Lyndale Ave S (Minnehaha Pkwy to 56th St W) area, was adopted 4/15/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-187
By Colvin Roy and Hodges

Ordering the City Engineer to abandon and remove the areaways located in the public street right-of-way that are in conflict with the street reconstruction and street lighting projects in the Lyndale Ave S (Minnehaha Pkwy to 56th St W) area.

Whereas, the City of Minneapolis, in cooperation with Hennepin County, has scheduled the reconstruction and street lighting improvements starting in 2012 in the Lyndale Ave S (Minnehaha Pkwy to 56th St W) area of Minneapolis; and

Whereas, there are areaways located in the public street right-of-way that are in conflict with said reconstruction and streetscape installation; and

Whereas, a public hearing was held on April 5, 2011 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Sections 24.180 and 95.90 of the Minneapolis Code of Ordinances to consider the proposed abandonment and removal of the above-mentioned areaways and to consider all written and oral objections and statements regarding the proposed areaway abandonment and removal;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered and directed to abandon and remove the conflicting areaways located in the public street right-of-way adjoining the properties along Lyndale Ave S (both sides) from Minnehaha Pkwy to 56th St W.

Adopted 4/15/2011.

Absent - Reich.

Resolution 2011R-188, directing the City Engineer to establish no parking restrictions on the westerly and easterly sides of Lyndale Ave S between the limits Minnehaha Pkwy W and 56th St W, was adopted 4/15/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-188
By Colvin Roy and Hodges

Directing the City Engineer to establish no parking restrictions on the westerly and easterly sides of Lyndale Ave S between the limits Minnehaha Pkwy W and 56th St W.

Whereas, the City of Minneapolis and Hennepin County wish to reconstruct Lyndale Ave S between the limits of Minnehaha Pkwy W and 56th St W; and

Whereas, Minnesota Department of Transportation (Mn/DOT) State Aid Rule 8820 requires parking provisions to meet the existing average daily traffic and peak hour traffic volumes and a minimum number of drive lanes, lane widths, and parking widths; and

Whereas, to meet State Aid Rule 8820 the County and the City recommend establishing No Parking Anytime at the following locations, effective upon reconstruction of the street:

- Westerly side of Lyndale Ave S beginning at the northerly limits of 56th St W thence extending 156 ft northerly;
- Easterly side of Lyndale Ave S beginning 431 feet northerly of the northerly curb line of 56th St W and thence extending northerly to the northern limits of 55th St W;
- Westerly side of Lyndale Ave S beginning at the northerly limits of 55th St W thence extending 128 ft northerly;
- Easterly side of Lyndale Ave S beginning 431 feet northerly of the northerly curb line of 55th St W and thence extending northerly to the northern limits of 54th St W;
- Westerly side of Lyndale Ave S beginning at the northerly limits of 54th St W thence extending 128 ft northerly;
- Easterly side of Lyndale Ave S beginning 300 feet northerly of the northerly curb line of 54th St W and thence extending northerly to the northern limits of 53rd St W;
- Westerly side of Lyndale Ave S beginning at the northerly limits of 53rd St W thence extending 80 ft northerly;
- Easterly side of Lyndale Ave S beginning 206 feet northerly of the northerly curb line of 53rd St W and thence extending northerly to the northern limits of W Minnehaha Pkwy; and

Whereas, State Aid rules require a certified resolution documenting the requested action;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby directed to install the parking restrictions and to submit this resolution to the Commissioner of Transportation to meet State Aid Rule 8820.

Adopted 4/15/2011.

Absent - Reich.

T&PW & W&M/Budget - Your Committee, having under consideration the Wenonah W Area Street Resurfacing Project, Special Improvement of Existing Street No 5217, and having held a public hearing thereon, now recommends passage of the accompanying resolutions:

- a) Ordering the work to proceed and adopting the special assessments for the project; and
- b) Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the project.

Adopted 4/15/2011.

Absent - Reich.

Resolution 2011R-189, ordering the work to proceed and adopting the special assessments for the Wenonah West Area Street Resurfacing Project No 5217, was adopted 4/15/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-189
By Colvin Roy and Hodges

2011 STREET RESURFACING PROGRAM
WENONAH W AREA STREET RESURFACING PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 5217

Ordering the work to proceed and adopting the special assessments for the Wenonah West Area Street Resurfacing Project.

Whereas, a public hearing was held on April 5, 2011 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2011R-088, passed February 25, 2011 to consider the proposed special assessments, as on file in the office of the City Clerk, and to consider

all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2011R-088, passed February 25, 2011.

Be It Further Resolved that the proposed special assessments in the total amount of \$1,017,502.50 for the Wenonah W Area Street Resurfacing Project, as on file in the office of the City Clerk, be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at five (5) and that the interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2012 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2012 real estate tax statements.

Adopted 4/15/2011.

Absent - Reich.

Resolution 2011R-190, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the Wenonah W Area Street Resurfacing Project No 5217, was adopted 4/15/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-190
By Colvin Roy and Hodges

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$1,017,505 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the Wenonah W Area Street Resurfacing Project, Special Improvement of Existing Street No 5217, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in five (5) successive annual installments, payable in the same manner as real estate taxes.

Adopted 4/15/2011.

Absent - Reich.

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the execution of an agreement with the University of Minnesota regarding the granting of temporary easements and licenses, as well as specific requirements regarding the construction, maintenance, and operation of the University of Minnesota Bike Trail Project.

Adopted 4/15/2011.

Absent - Reich.

Approved by Mayor Rybak 4/15/2011.

(Published 4/19/2011)

Resolution 2011R-191, authorizing the execution of an agreement with the University of Minnesota regarding the granting of temporary easements and licenses, as well as specific requirements regarding construction, maintenance, and operation of the University of Minnesota Bike Trail Project, was adopted 4/15/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-191
By Colvin Roy and Hodges

Authorizing the execution of an agreement with the University of Minnesota regarding the granting of temporary easements and licenses, as well as specific requirements regarding construction, maintenance, and operation of the University of Minnesota Bike Trail Project.

Whereas, construction of a bicycle and pedestrian trail connecting downtown Minneapolis with the Minneapolis campus of the University of Minnesota ("University Trail") is a priority for the City of Minneapolis and its residents; and

Whereas, the City has previously obtained funding for use in designing and constructing the University Trail, including a 2007 NTP grant in the amount of \$2,500,000 and an additional Federal NTP grant in the amount of \$98,535 in 2010; and

Whereas, City staff and counsel have negotiated a proposed non-exclusive, revocable license agreement ("Bike Path Agreement") with the University of Minnesota under which the City will be permitted to construct, maintain, and operate the University Trail on University-owned property for a 50-year term; and

Whereas, the University may terminate the Bike Path Agreement during the first 15 years only (a) upon 180 days written notice if the Metropolitan Council relocates the Central Corridor Light Rail Transit alignment to the northerly route, or (b) if the City fails to remedy a default under the Agreement following 90 days' written notice from the University. Thereafter, the University may terminate the Agreement at any time upon one year's written notice by the University to the City; and

Whereas, the fee being charged to the City by the University for the License is \$1.00; and

Whereas, at City cost, under the Agreement, the City will design and construct a shared stormwater facility serving the University Trail and a future University service drive. The University will permit the stormwater facility to drain into the University storm sewer system with no financial contribution by the City toward the cost of repair or maintenance of either the shared stormwater facility or previously-existing University-owned storm water conveyance facilities. The University will own the shared stormwater facility and existing drainage system, and the University will maintain, repair, and replace the entire stormwater facility, as well as the existing drainage system at its cost; and

Whereas, in the event of termination or expiration of the Agreement, upon the request of the University, the City will be obliged to remove the Trail and repair any damage to the property caused by the Trail; and

Whereas, subject to the limits of Minn. Stat. Chapter 466, as amended from time to time, and except to the extent caused by University negligence, the Agreement requires the City to defend, indemnify, and hold the University harmless from claims arising from the use of the University Trail or breaches of the Agreement, and to remediate environmental contamination caused by the City or its contractors, or which is encountered by the City in construction of the Trail;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to execute the Agreement on behalf of the City and, upon execution and delivery of the Agreement by authorized representatives of the University of Minnesota, the Director of Public Works is authorized to design, construct, operate, repair, and maintain the University Trail in accordance with the terms of the Bike Path Agreement.

Adopted 4/15/2011.

Absent - Reich.

Approved by Mayor Rybak 4/15/2011.

T&PW & W&M/Budget - Your Committee, having under consideration the Cedar Lake Trail Project, Phase III, from Royalston Ave to W River Pkwy, now recommends:

a) That the proper City officers be authorized to execute Amendment No 1 with the Burlington Northern Santa Fe Railway Company to extend the duration of the temporary construction easement for the project;

b) That the proper City officers be authorized to execute an amendment to the Right-of-Entry and Parking Relocation Agreement with 127 Building Partners, LLC; and

c) Passage of the accompanying resolution approving an amendment to the Trail and Construction Easement Agreement between the Federal Reserve Bank and the City of Minneapolis related to the Cedar Lake Trail.

Adopted 4/15/2011.

Absent - Reich.

Resolution 2011R-192, approving first amendment to Trail and Construction Easement Agreement between the Federal Reserve Bank of Minneapolis and the City of Minneapolis for Cedar Lake Trail - Phase III, was adopted 4/15/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-192
By Colvin Roy and Hodges

Approving first amendment to Trail and Construction Easement Agreement between the Federal Reserve Bank of Minneapolis and the City of Minneapolis for Cedar Lake Trail - Phase III.

Whereas, the City of Minneapolis (the "City") completed Phase I and Phase II of the Cedar Lake Trail between the West City limits and Royalston Avenue in 1995; and

Whereas, extension of the Cedar Lake Trail from Royalston Avenue to the Mississippi River ("Cedar Lake Trail Phase III a/k/a Cedar Lake Bike Trail Phase III") is a high priority for the City of Minneapolis ("City") and its residents; and

Whereas, the Federal Reserve Bank of Minneapolis ("Bank") located at 90 Hennepin Avenue, owns property lying between Azine Alley and West River Parkway which the City desires to cross with the Cedar Lake Trail - Phase III, and which is legally described in Exhibit A ("Bank Property"), set forth in Petn No 274885 on file in the office of the City Clerk; and

Whereas, on December 18, 2009, the City Council adopted Resolution 2009R-622, Approving Trail Easement Agreement for the Cedar Lake Trail Phase III with the Federal Reserve Bank; and

Whereas, on January 26, 2010, the parties entered into that certain Trail and Construction Easement Agreement Between Federal Reserve Bank of Minneapolis and City of Minneapolis which was subsequently recorded on January 27, 2010, in the Office of the Registrar of Titles for Hennepin County as Document No T4725086; and

Whereas, during the course of constructing the trail improvements, the City determined that, due to a survey error, portions of the trail improvements are 1.37 feet outside of the original permanent easement and encroach onto the remainder of the Bank Property, and construction on Bank Property was not completed prior to expiration of the original temporary easement term; and

Whereas, in order to permit the permanent trail improvements to remain where constructed and to permit completion of construction of trail improvements, City staff and counsel retained by the City have negotiated First Amendment to Trail and Construction Easement Agreement Between Federal Reserve Bank of Minneapolis and City of Minneapolis relating to the Easement Tracts which are legally described in First Amendment Exhibit B ("First Amended Easement Agreement"), set forth in Petn No 274885; and

Whereas, the Bank has agreed to execute and deliver the First Amended Easement Agreement without payment of additional compensation;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That upon approval of the proposed First Amended Easement Agreement by the City Attorney and execution and delivery of the First Amended Easement Agreement on behalf of the Federal Reserve Bank of Minneapolis, the City Contracting Officer is authorized to execute the First Amended Easement Agreement on behalf of the City.

Adopted 4/15/2011.

Absent - Reich.

T&PW & W&M/Budget - Your Committee, having under consideration the Central Corridor Light Rail Transit (CCLRT) Project, now recommends that the proper City officers be authorized to execute Subordinate Funding Agreements 5, 6, 8, 10, and 11 with the Metropolitan Council for City forces to provide various construction and traffic services in association with the CCLRT Project civil west construction, as set forth in Petn No 274885 on file in the office of the City Clerk.

Your Committee further recommends passage of the accompanying resolution:

a) Increasing the appropriation for the Street Paving Capital Fund by \$308,120, to be reimbursed by Metropolitan Council;

b) Increasing the appropriation for the Traffic Capital Fund by \$978,966.96, to be reimbursed by Metropolitan Council; and

c) Increasing the appropriation for the Sewer Capital Fund by \$61,920, to be reimbursed by Metropolitan Council.

Adopted 4/15/2011.

Absent - Reich.

RESOLUTION 2011R-193
By Colvin Roy and Hodges

Amending The 2011 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

a) Increasing the appropriation and revenue for the PW-Street Paving Capital Fund/Department (04100-9010937 CCLRT) by \$308,120, to be reimbursed by Metropolitan Council;

b) Increasing the appropriation for the PW-Traffic Capital Fund/Department (04100-9010943 CCLRT) by \$978,966.96 to be reimbursed by Metropolitan Council; and

c) Increasing the appropriation for the PW-Sewer Capital Fund/Department (04100-630000 CCLRT) by \$61,920, to be reimbursed by Metropolitan Council.

Adopted 4/15/2011.

Absent - Reich.

T&PW & W&M/Budget - Your Committee, having under consideration the lease of State-owned property under the I-94 Bridge in the vicinity of 2nd Ave N and Lyndale Ave for the storage of street maintenance materials and equipment, now recommends that the proper City officers be authorized to execute Amendment No 5 to Minnesota Department of Transportation (Mn/DOT) Lease 27702 (formerly H-05829) providing for the continuance of said lease for an additional two years, commencing May 1, 2011 through April 30 2013, with rental rates remaining at \$1,725.00 per month for the term of the lease.

Adopted 4/15/2011.

Absent - Reich.

T&PW & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7413 from Commercial Asphalt Company, for an estimated annual expenditure of \$3,632,800.00, to furnish and deliver bituminous mixtures as needed and called for through March 31, 2012.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said service, all in accordance with City specifications and contingent upon approval of the Civil Rights Department.

Adopted 4/15/2011.

Absent - Reich.

T&PW & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7413 from Midwest Asphalt Corporation, for an estimated annual expenditure of \$70,520.00, to furnish and deliver bituminous mixtures as needed and called for through March 31, 2012.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said service, all in accordance with City specifications and contingent upon approval of the Civil Rights Department.

Adopted 4/15/2011.

Absent - Reich.

T&PW & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7419 from McGough Construction, in the amount of \$410,700.00, to furnish and deliver all materials, equipment, labor, tools, transportation, and incidentals necessary to complete the construction of the I-35W Bridge Remembrance Garden for the Minneapolis Public Works Transportation Division.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said service, all in accordance with City specifications and contingent upon approval of the Civil Rights Department.

Adopted 4/15/2011.

Absent - Reich.

Approved by Mayor Rybak 4/15/2011.

(Published 4/19/2011)

The WAYS & MEANS/BUDGET Committee submitted the following reports:

W&M/Budget – Your Committee recommends that the proper City officers be authorized to amend the Oracle contract C-24470A for Professional Services for the Time and Labor Software implementation as follows:

a) increase term through September 30, 2011; and

b) increase contract amount by \$125,000. No additional appropriation required.

Adopted 4/15/2011.

Absent - Reich.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a two year contract with KorTerra, Inc. for an amount not to exceed \$75,000 for professional services, hosted software and maintenance; and to include two (2) one-year extensions. Public Works is providing the funding for the contract expenses (BIS Project 880F0369).

Adopted 4/15/2011.

Absent - Reich.

W&M/Budget - Your Committee recommends approval of the May 2011 utility billing insert on behalf of Bike Walk Ambassadors providing information about Bike Walk Week and bicycle parking in Minneapolis parking ramps (Petn 274890).

Adopted 4/15/2011.

Absent - Reich.

W&M/Budget - Your Committee, having under consideration the Minneapolis Convention Center HVAC System contract 03-00114B with Honeywell, Inc., now recommends increasing the estimated annual expenditure for this contract from \$88,600 as approved under OP# 7164 to \$125,000 to cover additional repairs and maintenance.

Adopted 4/15/2011.

Absent - Reich.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to negotiate and execute a Security Service Level agreement with Hennepin County for security services for the City Hall/Courthouse facility, on an as-needed basis for an amount not to exceed \$50,000.

Adopted 4/15/2011.

Absent - Reich.

W&M/Budget - Your Committee, to whom was referred an ordinance amending Title 2, Chapter 15 of the Minneapolis Code of Ordinances relating to *Administration: Ethics in Government*, by amending section 15.280 to change the definition of local official to include all persons appointed or designated to serve on a city board, commission or agency regardless of manner of appointment; and having held a public hearing thereon, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 4/15/2011.

Absent - Reich.

Ordinance 2011-Or-042 amending Title 2, Chapter 15 of the Minneapolis Code of Ordinances relating to *Administration: Ethics in Government*, by amending section 15.280 to change the definition of local official, was adopted 4/15/2011 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2011-Or-042

By Hodges

Intro & 1st Reading: 3/10/2011

Ref to: W&M/Budget

2nd Reading: 4/15/2011

Amending Title 2, Chapter 15 of the Minneapolis Code of Ordinances relating to Administration: Ethics in Government.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 15.280 (m) of the above-entitled ordinance be amended to read as follows:

15.280. Definitions.

(m) Local official means a person holding the following elected or appointed positions:

(1) The following elected officials: city council members; the mayor; and elected members of the board of estimate and taxation; ~~and~~

(2) Persons employed by the city in appointed positions, or holding the title of an appointed position. A list of the city's appointed positions shall be maintained by the department of human resources.

(3) Individuals serving on a city board, commission or advisory committee.

(4) Individuals appointed or designated by the mayor or appointed by the city council to multi-jurisdictional agencies, authorities, or instrumentalities, ~~including but not limited to, the following:~~

~~Arts Commission, Minneapolis~~

~~Bassett Creek Watershed Management Commission~~

Central Avenue Special Service District Advisory Board
Citizen Environmental Advisory Committee (CEAC)
Civil Rights Commission, Minneapolis
Civil Service Commission, Minneapolis
Civilian Review Authority, Minneapolis
Community Development Agency, Minneapolis
Dinkytown Special Service District Advisory Board
Disabilities, Minneapolis Advisory Committee on People With
Downtown Skyway Advisory Committee
Family Housing Fund, Minneapolis/St. Paul
Forty-Third Street West and Upton Avenue South Special Service
District
Franklin Avenue East Special Service District Advisory Board
Hennepin Theatre District Special Services District
Heritage Preservation Commission, Minneapolis
Housing Board of Appeals
Latino Community Advisory Committee to the Mayor and City
Council
Nicollet Avenue South Special Services District
Nicollet Mall Advisory Board
Planning Commission, Minneapolis
Public Health Advisory Committee
Public Housing Authority, Minneapolis
Real Estate Advisory Board
Rental Dwelling License Board of Appeals
Riverview Special Service District Advisory Board
Senior Citizen Advisory Committee to the Mayor and City Council
Shingle Creek Watershed Management Commission
South Hennepin Avenue Special Service District
Sports Facilities Commission, Metropolitan
Stadium Village Special Service District Advisory Board
Telecommunications Network, Minneapolis, (MTN)
Truth in Sale of Housing Board of Appeals
Uptown Special Service District Advisory Committee
Urban Environment, Committee on (CUE)
Workforce Investment Board (formerly Private Industry Council)
Zoning Board of Adjustment
The term local official shall not include individuals appointed to the following
agencies, authorities, or instrumentalities:
Metropolitan Airports Commission
Capital Long Range Improvements Committee
Empowerment Zone Governance Board
Homelessness, County Advisory Board

Adopted 4/15/2011.

Absent - Reich.

The ZONING & PLANNING Committee submitted the following reports:

Z&P - Your Committee, having under consideration the appeal filed by William Casey, on behalf of Midtown Lofts Condominium Association, from the decision of the Planning Commission granting applications by Bryant Lofts, LLC, for a conditional use permit for a planned unit development and site plan review for an amended planned unit development with 198 additional dwelling units at 2813-2841 Bryant Ave S, 811 28th St W and 2828 Aldrich Ave S, now recommends that said appeal be granted

in part and denied in part, to approve the applications subject to the following conditions, as outlined in the memo prepared by staff dated April 7th:

1) The access to Bryant Avenue has been relocated to 28th Street W.

2) The wing of the building that fronts along the Midtown Greenway is now six stories, 74 feet in height and functions as a six story building. The previous rendition of the plan included a building that was six stories per the zoning code definition, but functioned as five stories. The height approved by the City Planning Commission is 74 feet.

3) The wing of the building that fronts along Bryant Avenue has been reduced from five stories to four stories.

4) The front yard setback of the building wall for the Bryant Avenue wing has been increased from 10 feet to 15 feet.

5) The pet exercise area has been relocated to the north side of the building, adjacent to Bryant Avenue.

6) The outdoor children's play area has been relocated to the center of the site;

Your Committee further recommends that the related findings prepared by the Community Planning & Economic Development staff be adopted.

Adopted 4/15/2011.

Absent - Reich.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Plymouth Church Neighborhood Foundation, on behalf of Riverview Senior Housing, (BZZ-5078) to rezone the property at 5100, 5106, 5110, 5114 54th St E and 5344, 5348, 5352, 5356, 5360 Riverview Rd from the R1 to the R4 Multiple-Family District to permit construction of a 4-story senior housing facility and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 4/15/2011.

Absent - Reich.

Ordinance 2011-Or-043 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the properties at 5100, 5106, 5110, 5114 54th St E and 5344, 5348, 5352, 5356, 5360 Riverview Rd to the R4 District, was adopted 4/15/2011 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2011-Or-043

By Schiff

1st & 2nd Readings: 4/15/2011

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

That part of Lots 5, 6, 7, 8, 9, 18, 19, and 20, Block 2, Thorpe Bros. Minnehaha Grove Addition to Minneapolis, Hennepin County, Minnesota (5100, 5106, 5110, 5114 54th St E and 5344, 5348, 5352, 5356, 5360 Riverview Rd - Plate 40) to the R4 District.

Adopted 4/15/2011.

Absent - Reich.

Z&P – Your Committee, having under consideration the *Urban Agriculture Policy Plan*, now recommends concurrence in the recommendation of the Planning Commission that the findings prepared by the Department of Community Planning & Economic Development staff be adopted, and that said Plan be approved, amending the City's comprehensive plan, ***The Minneapolis Plan for Sustainable Growth***, to incorporate the policy direction with the following change:

1) The Community Garden Program section, with its recommendations, from page 60 of the Urban Agriculture Policy Plan will be moved to the "Suggested Future Efforts" section on page 61.

Your Committee further recommends the following additional changes to the plan:

2) Amend page 58, Land Use and Zoning, as follows:

1.1 Define the following terms in the zoning code: community gardens, market gardens, urban farms, and anaerobic digesters. Further evaluate the appropriate zoning districts for these uses based on the guidance below. All urban agriculture zoning code text amendments would involve consultation with technical experts.

-Allow market gardens in a variety of zoning districts, ~~including low density residential areas.~~

-Set a maximum lot area and other performance standards for market gardens so the use fits into a neighborhood context.

- Establish ~~design~~ standards for market gardens similar to or more stringent than those that have been established for community gardens, including no retail sales on-site, except as an approved temporary use, no overhead lighting, signage limited to a single, non-illuminated flat sign of 4 square feet, and no more than two vehicles parked on-site, excluding those parked within an enclosed structure.

3) Amend page 60, Land Availability, as follows:

Review City owned land inventories and consider selling or leasing more parcels that are not desirable for development but are well-suited for urban agriculture, particularly in underserved areas.

1.2 Assure that soil testing has taken place on all City owned lots used for community gardens. Continue to seek out resources for testing soils on City owned land.

4) Amend page 60, Land Availability, to delete (3) as follows:

3. ~~When land is sold and a conservation easement is required as part of the sale, reduce the sale price to reflect the fact that the parcel would no longer be developable.~~

5) Amend page 60, Land Use and Zoning, Item 3, as follows:

3.3 Where appropriate, ~~Consider~~ the inclusion of farmers' markets and community gardens when Requests for Proposals are sought for larger-scale new development on City-owned parcels, particularly in underserved areas.

Your Committee also recommends passage of a staff direction to amend other portions of the Urban Agriculture Policy Plan as needed to reflect the amended recommendations.

Colvin Roy moved to amend the Urban Agriculture Policy Plan by removing map 4-10 on page 49 and to direct staff to amend the text as needed to remove references to the map. Seconded.

Adopted upon a voice vote.

Absent - Reich.

The report, as amended, was adopted 4/15/2011.

Absent - Reich.

MOTIONS

Hodges moved to rescind the previous Council action of 4/1/2011 relating to the Unisys Managed Services contract. Seconded.

Adopted 4/15/2011. Yeas, 11; Nays, 1 as follows:

Yeas -Glidden, Goodman, Hodges, Samuels, Hofstede, Schiff, Lilligren, Colvin Roy, Tuthill, Quincy, Johnson.

Nays - Gordon.

Absent - Reich.

Hodges moved to increase the Unisys Managed Services Contract C-25200 by \$750,000 for additional change orders (of \$50,000 or less) anticipated for the remainder of 2011. Seconded.

Vice President Lilligren assumed the Chair.

Johnson moved to amend Hodges' motion, to add the following:

- a) That the Information Services Policy Steering Group (ISPSG) meet monthly and report to the Ways & Means/Budget Committee; and
- b) That Business Information Services be directed to prepare a report on the City's wireless use and report quarterly to the Ways & Means/Budget Committee on progress toward increasing city usage of wireless commitment. Seconded.

Adopted upon a voice vote.

Absent - Reich.

Hodges' motion, as amended, was adopted 4/15/2011. Yeas, 11; Nays, 1 as follows:

Yeas - Glidden, Goodman, Hodges, Samuels, Hofstede, Schiff, Lilligren, Colvin Roy, Tuthill, Quincy, Johnson.

Nays - Gordon.

Absent - Reich.

President Johnson resumed the Chair.

RESOLUTIONS

Resolution 2011R-194, honoring Judy Cedar for over 40 years of service to the City of Minneapolis, was adopted 4/15/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-194

**By Reich, Gordon, Hofstede, Johnson, Samuels, Lilligren,
Goodman, Glidden, Schiff, Tuthill, Quincy, Colvin Roy and Hodges**

Honoring Judy Cedar for over 40 years of service to the City of Minneapolis.

Whereas, Judy Cedar served the City of Minneapolis for over 40 years through her employment with the Minneapolis Housing and Redevelopment Authority, the Minneapolis Community Development Agency and the Community Planning and Economic Development Department; and

Whereas, Judy served the City in many staff positions, most notably as a relocation specialist and project coordinator; and

Whereas, Judy made significant contributions to a multitude of housing, commercial, industrial and riverfront development projects and programs that continue to provide enormous benefits to the residents, neighborhoods and business community of Minneapolis; and

Whereas, Judy's tenure as a relocation counselor was marked by her exceptional ability to handle difficult cases, her efficiency and productivity, and her concern for the welfare of her clients; and

Whereas, among Judy's many notable accomplishments as a project coordinator are her significant contributions to the development of the Minnesota Technology Corridor and Industry Square area, including the Old Spaghetti Factory rehabilitation, a land transaction and major pollution remediation project that facilitated the construction of West River Parkway, and the American Red Cross and Minnesota Technology Center projects; and

Whereas, Judy shepherded the redevelopment of much of the historic Grain Belt complex, including the rehabilitation of the Brew House and the Pierre Bottineau Library and the securing of two grants to stabilize the historic Office Building; and

Whereas, Judy managed the redevelopment of numerous properties within the Cedar-Riverside, West Broadway, Central Avenue, and 50th and France project areas; and

Whereas, Judy's professional achievements and her energetic and enthusiastic approach to life, learning and new experiences have earned her the deep respect and affection of her colleagues and have resulted in many enduring friendships; and

Whereas, Judy is recognized as an exceptional employee not only by her co-workers but also by Minneapolis residents, neighborhood groups, and business people; and

Whereas, Judy retired from employment with the City of Minneapolis on March 15, 2011;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That on behalf of the citizens of the City of Minneapolis, the City Council honors and commends Judy Cedar for her service and thanks her for her many contributions to the quality of life within the city.

Be It Further Resolved that the members of the City Council wish Judy much happiness, good health and personal fulfillment during her retirement years.

Adopted 4/15/2011.

Absent - Reich.

Resolution 2011R-195, honoring Minneapolis Animal Care & Control staff, was adopted 4/15/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2011R-195

**By Gordon, Reich, Hofstede, Johnson, Samuels, Lilligren,
Goodman, Glidden, Schiff, Tuthill, Quincy, Colin Roy and Hodges**

Honoring Minneapolis Animal Care & Control Staff.

Whereas, Minneapolis Animal Care & Control staff are dedicated to working with Minneapolis citizens to create safe and healthy communities for people and animals; and

Whereas, Minneapolis Animal Care & Control staff respond to over 15,000 field service calls and care for 3,500 animals brought to Minneapolis' Animal Shelter each year; and

Whereas, Minneapolis Animal Care & Control staff serve the public 24 hours per day; seven days per week, 365 days per year; and

Whereas, Minneapolis Animal Care & Control staff respond to and handle more than 500 incidents of animal aggression annually; and

Whereas, Minneapolis Animal Care & Control staff work to ensure compliance with applicable laws and requirements of more than 300 dangerous animals annually, resulting in a 20 percent decrease in serious bite calls since 2008; and

Whereas, Minneapolis Animal Care & Control staff worked to return 447 animals to their original owners and adopt 523 animals to the general public in 2010; and

Whereas, Minneapolis Animal Care & Control staff partner with seventeen animal rescue organizations to better serve the animals in its care and find them permanent homes; and

Whereas, Minneapolis Animal Care & Control staff worked closely with the Minneapolis Police Department in 2010 to implement a Domestic Violence Intervention Program that provides for kenneling of animals at no cost for individuals working to leave violent relationships; and

Whereas, Minneapolis Animal Care & Control staff find themselves in harm's way while working to keep the public safe each day;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That April 11 to 15, 2011, be designated as Animal Care & Control Week in The City of Minneapolis.

Adopted 4/15/2011.

Absent - Reich.

UNFINISHED BUSINESS

Glidden moved to adopt the Findings and Recommendation prepared by the City Attorney and on file as FoF 2011-13 in the Office of the City Clerk in support of the action of the City Council on April 1, 2011 denying the application of Gopher 93, LLC and Arriel McDonald d/b/a Gopher 94 Wine & Spirits, 217 W Broadway, for an Off-Sale Liquor License. Seconded.

Adopted 4/15/2011.

Absent - Reich.

Pursuant to notice, Schiff moved to introduce the subject matter of an ordinance amending Title 14, Chapter 362 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Liquor Licenses*, for first reading and referral to the Regulatory, Energy & Environment Committee (adjusting the number of temporary expansion of premises licenses allowed in a twelve month period). Seconded.

Adopted upon a voice vote 4/15/2011.

Absent - Reich.

Lilligren moved to adjourn to Room 315 City Hall to consider the matters of a) *Pall Corp. v. City of Minneapolis*; and b) *Brendon Schram v. City of Minneapolis* (09-CV-909 (DSD/JSM)). Seconded.

Adopted upon a voice vote 4/15/2011.

Absent - Reich.

Room 315 City Hall

Minneapolis, Minnesota

April 15, 2011 - 11:14 a.m.

The Council met pursuant to adjournment.

President Johnson in the Chair.

Present - Council Members Glidden, Goodman, Samuels, Lilligren, Colvin Roy, Tuthill, Quincy, President Johnson.

Absent – Council Members Hodges, Gordon, Reich, Hofstede, Schiff.

Peter Ginder stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the *Pall Corp. v. City of Minneapolis* and *Brendon Schram v. City of Minneapolis* (09-CV-909 (DSD/JSM)) lawsuits.

Lilligren moved that the meeting be closed at 11:15 a.m. Seconded.

Adopted upon a voice vote.

Absent – Hodges, Gordon, Reich, Schiff.

Present - Council Members Glidden, Goodman, Hodges (in at 11:16 a.m.), Samuels, Gordon (in at 11:22 a.m.), Hofstede, Schiff (in at 11:20 a.m.; out at 12:16 p.m.), Lilligren, Colvin Roy (out 12:13-12:15 p.m.), Tuthill, Quincy, President Johnson.

Absent – Council Member Reich.

Also Present – Susan Segal, City Attorney; Peter Ginder, Deputy City Attorney; Michael Bloom, Trina Chernos and Tim Skarda, Assistant City Attorneys; Charles Nauen, attorney with Lockridge Grindal Nauen P.L.L.P. (out at 11:28 a.m.); Mayor R. T. Rybak; Steve Kotke, City Engineer/Director of Department of Public Works (out at 11:28 a.m.); Scott Gerlicher, Deputy Chief of Police (out at 11:28 a.m.); Casey Joe Carl, City Clerk; and Irene Kasper, City Clerk's Office.

Charles Nauen summarized the *Pall Corp. v. City of Minneapolis* lawsuit from 11:16-11:28 a.m.

Tim Skarda summarized the *Brendon Schram v. City of Minneapolis* lawsuit from 11:28 - 12:23 p.m.

APRIL 15, 2011

At 12:23 p.m., Lilligren moved that the meeting be opened. Seconded.
Adopted upon a voice vote.
Absent - Reich, Schiff.

Colvin Roy moved that the claims asserted in *Pall Corporation v. City of Minneapolis*, United States District Court, Civil File No. 09-2693 DSD/SER, be settled in the amount of \$3,200,000, payable to Pall Corporation from Fund/Org. 06900 1500100 602013 145690.

Further, that the Lockridge Grindal Nauen Law Firm be authorized to execute any documents necessary to effectuate the settlement. Seconded.

Adopted 4/15/2011.

Absent - Reich, Schiff.

Lilligren moved to settle the case of *Brendon Schram v. City of Minneapolis*, United States District Court File No. 09-CV-909 upon the following terms and conditions: payment in the amount of \$325,000 to Brendon Schram and his attorneys Mansfield Tanick & Cohen, P.A. in a manner agreed to by counsel and authorize the City Attorney to execute any documents necessary to effectuate the settlement, payable from Fund/Org. 6900 150 1500 4000. Seconded.

Adopted 4/15/2011.

Absent - Reich, Schiff.

The adjourned session of the City Council meeting was tape recorded with the tape on file in the office of the City Clerk.

Lilligren moved to adjourn. Seconded.

Adopted upon a voice vote 4/15/2001.

Absent - Reich, Schiff.

Casey Joe Carl,
City Clerk.

Unofficial Posting: 4/18/2011
Official Posting: 4/22/2011